



1996

# *Illinois Register*

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Rules of Governmental Agencies

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
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Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
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June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

1) Heading of the Part: Approval of Negotiated Agreements2) Code Citation: 83 Ill. Adm. Code 7633) Section Numbers:

Proposed Action:  
 763.10 New Section  
 763.20 New Section  
 763.30 New Section  
 763.40 New Section  
 763.100 New Section  
 763.110 New Section  
 763.120 New Section  
 763.130 New Section  
 763.140 New Section  
 763.150 New Section  
 763.200 New Section  
 763.210 New Section  
 763.230 New Section  
 763.300 New Section  
 763.320 New Section  
 763.330 New Section  
 763.340 New Section  
 763.350 New Section  
 763.360 New Section  
 763.370 New Section  
 763.380 New Section  
 763.400 New Section  
 763.410 New Section  
 763.420 New Section  
 763.430 New Section  
 763.440 New Section  
 763.450 New Section  
 763.460 New Section  
 763.470 New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/10-101).

5) A Complete Description of the Subjects and Issues Involved: These rules will provide rules of practice that are specifically designed to implement Section 252 of the Telecommunications Act of 1996. The Commission has established the requirements for the form, filing, and the service of documents in the approval of negotiated agreements between two telecommunications carriers and discovery, and procedure prior to, during, and following the proceeding.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
 Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
 Chief Clerk  
 Illinois Commerce Commission  
 527 East Capitol Avenue  
 Springfield, IL 62706  
 (217) 782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any telecommunications carrier that is a small business as defined in the Illinois Administrative Procedure Act and that is seeking approval of a negotiated agreement under Section 252 of the Telecommunications Act of 1996. These rules will not affect small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.

C) Types of professional skills necessary for compliance: Legal skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The law requiring the involvement of the Illinois Commerce Commission in this process did not become effective until February 8, 1996.

The full text of the Proposed Rules is identical to the text of Emergency Rules for this Part appearing at page **8530** of this issue of the *Illinois Register*.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULE

1) Heading of the Part: Approval of Statements of Generally Available Terms

2) Code Citation: 83 Ill. Adm. Code 764

3) Section Numbers:

764.10 New Section  
764.20 New Section  
764.30 New Section  
764.40 New Section  
764.100 New Section  
764.110 New Section  
764.120 New Section  
764.130 New Section  
764.140 New Section  
764.150 New Section  
764.200 New Section  
764.210 New Section  
764.230 New Section  
764.300 New Section  
764.320 New Section  
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764.350 New Section  
764.360 New Section  
764.370 New Section  
764.380 New Section  
764.400 New Section  
764.410 New Section  
764.420 New Section  
764.430 New Section  
764.440 New Section  
764.450 New Section  
764.460 New Section  
764.470 New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/10-101).

5) A Complete Description of the Subjects and Issues Involved: These rules will provide rules of practice that are specifically designed to implement Section 252 of the Telecommunications Act of 1996. The Commission has established the requirements for the form, filing, and the service of documents in the approval of statements of generally available terms and discovery, and procedure prior to, during, and following the proceeding. These rules are only applicable to Bell operating companies.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULE

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706  
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any telecommunications carrier that is a small business as defined in the Illinois Administrative Procedure Act and that intervenes in a proceeding in which a Bell operating company is seeking approval of a statement of generally available terms under Section 252 of the Telecommunications Act of 1996. These rules will not affect small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.

C) Types of professional skills necessary for compliance: Legal skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the law requiring the involvement of the Illinois Commerce Commission in this process did not become effective until February 8, 1996.

The full text of the Proposed Rule begins on the next page:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER f: TELEPHONE UTILITIES

## PART 764

## APPROVAL OF STATEMENTS OF GENERALLY AVAILABLE TERMS

## SUBPART A: GENERAL PROVISIONS

## Section

764.10 Procedure Governed  
 764.20 Deviation from this Part  
 764.30 Definitions  
 764.40 Authority of Hearing Examiner

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section

764.100 Communications to the Commission  
 764.110 Filing of Statement of Generally Available Terms for Approval  
 764.120 Required Disclosures  
 764.130 Contents of Documents  
 764.140 Copies of Documents  
 764.150 Service

## SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

## Section

764.200 Scheduling Conferences  
 764.210 Failure to Comply with a Discovery Order  
 764.230 Protective Orders

## SUBPART D: INFORMATION GATHERING PROCEDURE

## Section

764.300 Disqualification of Hearing Examiner  
 764.320 Transcripts  
 764.330 Consolidation and Severance  
 764.340 Information to be Adduced  
 764.350 Testimony to be Under Oath or Affirmation  
 764.360 Stipulation of Facts  
 764.370 Exhibits  
 764.380 Ex Parte Communications

## SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

## ILLINOIS COMMERCE COMMISSION

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## Section

764.400 Briefs  
 764.410 Draft Proposed Decisions  
 764.420 Hearing Examiner's Proposed Decision  
 764.430 Exceptions; Reply  
 764.440 Filing of Briefs  
 764.450 Oral Argument  
 764.460 Additional Hearings  
 764.470 Reopening on Motion of the Commission

**AUTHORITY:** Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

**SOURCE:** Adopted at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 764.10 Procedure Governed

This Part governs practice and procedure before the Illinois Commerce Commission (Commission) in the approval of Statements of Generally Available Terms required by Section 252(f) of the Communications Act of 1934 (47 U.S.C. 252(f)).

## Section 764.20 Deviation from this Part

To the extent permitted by law, any provision of this Part may be waived, suspended or modified by the Commission or an Examiner, either upon their own motion or upon motion by any person.

## Section 764.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, draft proposed decisions, proposed decisions, exceptions to Hearing Examiners' proposed decisions, briefs, drafts or suggested forms of order, and similar writings.

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings

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pursuant to Section 252(f) of the Communications Act of 1934 (47 U.S.C. 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who files a Statement of Generally Available Terms for which Commission approval is sought under 47 U.S.C. 252(f); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

## Section 764.40 Authority of Hearing Examiner

a) The Hearing Examiner shall have authority over the conduct of a proceeding under this Part and the responsibility for submission of the matter to the Commission for decision. The Hearing Examiner shall have those duties and powers necessary to these ends, including the following:

- 1) To conduct hearings and pre-hearing conferences;
  - 2) To direct parties to serve testimony and exhibits and establish a date certain for service;
  - 3) To grant or deny Petitions to Intervene;
  - 4) To conduct discovery of the parties;
  - 5) To supervise all or any part of any discovery procedure;
  - 6) To administer oaths and affirmations;
  - 7) To examine witnesses and to allow the examination of an adverse party or agent;
  - 8) To rule upon all matters which do not result in the final determination of the proceeding;
  - 9) To call upon any party at any stage of the proceeding to produce further information that is material and relevant to any issue;
  - 10) To issue proposed decisions pursuant to Section 764.420 of this Part;
  - 11) To issue protective orders in accordance with Section 764.430 of this Part; and
  - 12) To ensure that the proceeding is conducted in a full, fair and impartial manner, that order is maintained and that unnecessary delay is avoided in the disposition of the proceedings.
- b) Any party who fails to comply with an order of the Hearing Examiner may be limited in its presentation of information during the

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

proceeding.

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section 764.100 Communications to the Commission

All documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. All formal communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

## Section 764.110 Filing of Statement of Generally Available Terms for Approval

a) All petitions for approval of a Statement of Generally Available Terms:

- 1) Shall be verified; and
  - 2) Shall be accompanied by the verified written statements and exhibits to support Petitioner's position that the Statement of Generally Available Terms should be approved. In addition, the Petitioner shall also include with the petition a legal memorandum setting forth its arguments in support of its petition. The verified Statements and Exhibits, and legal memorandum, shall, at a minimum, address how the Statement of Generally Available Terms complies with Sections 251 and 252(d) of the Communications Act of 1934 (47 U.S.C. 251 & 252(d)).
- b) A petition for approval of a Statement of Generally Available Terms shall not be accepted for filing unless it is verified.

## Section 764.120 Required Disclosures

Unless otherwise ordered by the Hearing Examiner or the Commission, a party shall file with the petition for approval of a Statement of Generally Available Terms, and without awaiting a discovery request:

- a) The name, address and telephone number of each individual likely to have discoverable information relevant to the issues of whether the Statement of Generally Available Terms complies with Sections 251 and 252(d) of the Communications Act of 1934 (47 U.S.C. 251 & 252(d)); and
- b) A copy of, or a description by category and location of, all documents, data compilations, and other written information in the possession, custody, or control of the party that are relevant to the issues of whether the Statement of Generally Available Terms complies with Sections 251 and 252(d) of the Communications Act of 1934 (47 U.S.C. 251 & 252(d)).

## Section 764.130 Contents of Documents



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- a) All documents submitted in approval proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new proceeding shall leave a space for the docket number. All documents shall also include the full name, address and telephone number of the person or the representative of the person filing the document.
- b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

I, \_\_\_\_\_, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 199\_\_\_\_\_.

NOTARY PUBLIC

## Section 764.140 Copies of Documents

All documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

## Section 764.150 Service

- a) All documents shall be deemed filed on the date received by the Chief Clerk of the Commission. Service on the Chief Clerk of the Commission cannot be made by telephone facsimile. All documents shall be served upon the parties to the proceeding on the day they are filed with the Chief Clerk of the Commission.
- b) Proof of service of any paper shall be by certificate of attorney, acknowledgment of receipt, or affidavit.

## SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

## Section 764.200 Scheduling Conferences

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Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a scheduling conference. Notice of the pre-hearing conference shall be given in writing, telephone, or telephone facsimile not later than 24 hours before the conference. Such a conference may be held for any purpose, including, but not limited to:

- Scheduling;
- Identification and simplification of issues;
- Amendments to documents;
- Limitations on the number of witnesses;
- The issuance of rulings denying, limiting, conditioning or regulating discovery;
- The issuance of rulings supervising all or any part of any discovery procedure; and
- Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

## Section 764.210 Failure to Comply with a Discovery Order

If a person or party fails to comply with a discovery order or refuses to attend or be sworn at a hearing, the Hearing Examiner may suspend further proceedings until compliance is obtained, or the Hearing Examiner may strike all or any part of the pleadings of such party, or refuse to allow the party to support designated claims or defenses.

## Section 764.230 Protective Orders

At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

## SUBPART D: INFORMATION GATHERING PROCEDURE

## Section 764.300 Disqualification of Hearing Examiner

- A Hearing Examiner assigned to a proceeding may, upon written request to and approval of the Chief Hearing Examiner, recuse himself or herself from the proceeding.
- Whenever any party believes a Hearing Examiner for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearing Examiner, setting forth by affidavit the alleged grounds for disqualification. The Hearing Examiner shall have 5 days after filing of the motion within which to enter a written ruling thereon. A copy of such ruling shall be served upon all parties.
- Any ruling by a Hearing Examiner denying a request for recusal under this Section may be reviewed by the Commission. Review shall be

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

sought no more than 3 days from the denial of the motion to recuse or disqualify. The party seeking review of the ruling shall file with the Chief Clerk a verified petition, together with any offer of proof, and shall serve a copy of the petition upon the Hearing Examiner and all parties to the proceeding. Other parties and the staff representative may file responses within 3 days after the filing of the petition. The Hearing Examiner shall have 3 days from the filing of the petition within which to file a report to the Commission with the Chief Clerk, who shall serve copies of such report on the parties and staff representatives.

**Section 764.320 Transcripts**

- a) A complete record of all proceedings conducted under this Part, including oral arguments before the Commission or Hearing Examiner, shall be transcribed by a reporter appointed by the Commission. In the event that expedited transcripts are required, the cost of preparation shall be borne by Petitioner.
- b) Suggested corrections to the transcript of record must be filed within 7 days from the day on which the hearing is held or at such other time as prescribed by the Hearing Examiner, and shall be in writing and served upon each party, the official reporter and the Hearing Examiner.
- c) Objections to suggested corrections shall be filed within 5 days after the filing of the suggestions, unless otherwise prescribed by the Hearing Examiner. The Hearing Examiner shall determine what changes, if any, shall be made in the record.
- d) If no objection is made to the suggested corrections, the Hearing Examiner may, in his or her discretion, direct the corrections to be made and the manner of making them. The purpose of this determination shall be to ensure the accuracy of the record.

**Section 764.330 Consolidation and Severance**

The Commission or Hearing Examiner may order two or more proceedings involving a similar question of law or fact to be consolidated where rights of the parties or the public interest will not be prejudiced by such procedure. The Commission or Hearing Examiner may order separate proceedings if issues cannot be conveniently disposed of with other issues in the proceeding, or if for any other reason severance of the parties is required.

**Section 764.340 Information to be Adduced**

- a) In all proceedings subject to this Part, irrelevant, immaterial or unduly repetitious information shall be excluded. Relevant information may be admitted at the hearing if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

- b) Whenever a verified statement or exhibit contains language and/or figures that differ from the exhibit offered, the sponsoring party shall indicate all changes in writing either on a corrective sheet or the actual exhibit shall have the corrected language and/or figures so designated.
- c) Any information offered in whatever form shall be subject to appropriate and timely objection. The Hearing Examiner may, either with or without objection, exclude irrelevant, immaterial, unduly repetitious or otherwise inadmissible information.

**Section 764.350 Information to be Under Oath or Affirmation**

All orally presented information to be considered by the Commission shall be sworn or affirmed testimony.

**Section 764.360 Stipulation of Facts**

The parties and staff may, by written stipulation filed with the Commission or by oral stipulation entered in the record, agree upon the facts or any part thereof related to the contested issues in the proceeding. Notwithstanding the stipulation of the parties, the Commission or the Hearing Examiner may require further information in support of the facts so stipulated.

**Section 764.370 Exhibits**

- a) All exhibits shall be marked numerically and/or alphabetically with a party designation and shall conform to the requirements of Section 764.120 of this Part.
- b) When exhibits are identified for the record, unless the Hearing Examiner directs otherwise, an original and two copies shall be offered at the hearing and a copy provided to the Hearing Examiner and to each party.

**Section 764.380 Ex Parte Communications**

- a) The provisions of Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60] shall apply in full to Commission proceedings that are subject to this Part. The provisions of Section 10-60 shall not apply, however, to communications between Commission employees who are engaged in investigatory or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in Section 10-60, directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding.
- b) Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

*process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act (220 ILCS 5/10-103) shall place on the public record of the proceeding:*

- 1) *All such written communications;*
- 2) *Memoranda stating the substance of all such oral communications; and*
- 3) *All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (b)(1) and (2). (220 ILCS 5/10-103)*
- c) *The material specified in subsection (b) shall be disclosed to the parties of record by:*
  - 1) *Service on the parties at the hearing; or*
  - 2) *If no hearing is scheduled within the next seven days, service by hand delivery, overnight mail or courier service or telephone facsimile on all parties to the proceeding.*

## SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

## Section 764.400 Briefs

- a) *The Hearing Examiner or the Commission may order the parties to file initial and/or reply briefs. Parties must use transcript citations if there are hearings on the petition. In the discretion of the Commission or the Hearing Examiner, failure to use transcript citations may result in rejection of all or part of the brief.*
- b) *Briefs shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:*
  - 1) *A table of contents;*
  - 2) *A short statement of the case;*
  - 3) *A summary of the position of the party filing; and*
  - 4) *Argument.*

## Section 764.410 Draft Proposed Decisions

*The Hearing Examiner may permit or require a party or parties to file draft proposed decisions.*

## Section 764.420 Hearing Examiner's Proposed Decision

*The Hearing Examiner presiding shall prepare a proposed decision, including a statement of findings and conclusions and the reasons or basis therefor, on all the material issues of fact, law or discretion presented on the record. Such proposed decision shall be served by the Chief Clerk of the Commission on all parties to the proceeding.*

## Section 764.430 Exceptions; Reply

## ILLINOIS COMMERCE COMMISSION

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- a) *The parties may file exceptions to the Hearing Examiner's proposed decision at such time as is fixed by the Hearing Examiner or the Commission. The Hearing Examiner or the Commission may also require the parties to file as a reply "Brief in Reply to Exceptions."*
- b) *Exceptions and replies to exceptions with respect to statements, findings of fact or rulings of law must be specific and must be stated and numbered separately in the brief. When exception is taken or a reply is made as to a statement or finding of fact, a suggested replacement statement or finding must be incorporated. Exceptions and replies may contain written arguments in support of the position taken by the party or staff witnesses filing such exceptions or reply.*

## Section 764.440 Filing of Briefs

*An original and 11 copies of all briefs shall be filed with the Commission.*

## Section 764.450 Oral Argument

*The Commission, upon its own motion, may hear oral argument from the parties to the proceeding.*

## Section 764.460 Additional Hearings

*Before issuance of a final order by the Commission, the Hearing Examiner may, on his or her own motion or when directed by the Commission, hold additional hearings.*

## Section 764.470 Reopening on Motion of the Commission

*After issuance of an order by the Commission, the Commission may, on its own motion, reopen any proceeding when it has reason to believe that conditions of fact or law have so changed as to require, or that the public interest requires, such reopening.*

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULE

1) Heading of the Part: Approval or Rejection of Arbitrated Agreements

2) Code Citation: 83 Ill. Adm. Code 762

3) Section Numbers:

762.10 New Section  
762.20 New Section  
762.30 New Section  
762.40 New Section  
762.100 New Section  
762.110 New Section  
762.120 New Section  
762.130 New Section  
762.200 New Section  
762.205 New Section  
762.210 New Section  
762.220 New Section  
762.300 New Section  
762.310 New Section  
762.320 New Section  
762.410 New Section  
762.420 New Section  
762.430 New Section  
762.440 New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-110].

5) A Complete Description of the Subjects and Issues Involved: These proposed rules are a response to the Telecommunications Act of 1996 (P.L. 104-104), which places certain responsibilities on State agencies with regulatory responsibilities over telecommunications carriers, among them being the arbitration of disputes between carriers when an inter-connection agreement cannot be reached by negotiation between the carriers. These rules will provide rules of practice that are specifically designed to implement arbitration proceedings under Section 252 of the Telecommunications Act of 1996. The Commission has proposed the procedural requirements for proceedings to approve or reject arbitrated agreements.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULE

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706  
(217) 782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the Illinois Register

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any telecommunications carrier that is a small business as defined in the Illinois Administrative Procedure Act and that is seeking arbitration under Section 252 of the Telecommunications Act of 1996. These rules will not affect small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.

C) Types of professional skills necessary for compliance: Legal skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rules was not included on either of the 2 most recent agendas because: the law requiring the involvement of the Illinois Commerce Commission in this process did not become effective until February 8, 1996.

The full text of the Proposed Rule begins on the next page:



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER F: TELEPHONE UTILITIES

PART 762  
 APPROVAL OR REJECTION OF ARBITRATED  
 AGREEMENTS

## SUBPART A: GENERAL PROVISIONS

## Section

762.10 Procedure Governed  
 762.20 Deviation from this Part  
 762.30 Definitions  
 762.40 Authority of Hearing Examiner

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section

762.100 Communications to the Commission  
 762.110 Submission for Commission Approval of an Arbitrated Agreement  
 762.120 Filing of Comments  
 762.130 Service

## SUBPART C: PRE-DECISIONAL PROCEDURE

## Section

762.200 Pre-decisional Conferences  
 762.205 Schedule of Pre-decisional Procedure  
 762.210 Intervention  
 762.220 Protective Orders

## SUBPART D: DECISIONAL PROCEDURE

## Section

762.300 Disqualification of Hearing Examiner  
 762.310 Consolidation and Severance  
 762.320 Ex Parte Communications

## SUBPART E: POST-COMMENT PROCEDURE

## Section

762.410 Hearing Examiner's Proposed Decision  
 762.420 Exceptions  
 762.430 Oral Argument  
 762.440 Additional Comments

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 762.10 Procedure Governed

This Part governs practice and procedure before the Illinois Commerce Commission (Commission) in the approval or rejection of arbitrated agreements required by Sections 252(e)(1) and 252(e)(2)(B) of the Communications Act of 1934 (47 U.S.C. 252).

## Section 762.20 Deviation from this Part

To the extent permitted by law, any provision of this Part may be waived, suspended or modified by the Commission or an Examiner, either upon their own motion or upon motion by any person.

## Section 762.30 Definitions

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, motions, responses, replies, notices, proposed decisions, exceptions to Hearing Examiners' proposed orders, comments, drafts or suggested forms of order, and similar writings.

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 U.S.C. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means those persons who submit to the commission for approval an arbitrated agreement pursuant to Section 252(e) of the Communications Act of 1934 (47 U.S.C. 252); or, a person allowed by the Commission or Hearing Examiner to intervene in a proceeding.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this part, a Hearing Examiner is not considered a member of the Commission Staff.

**Section 762.40 Authority of Hearing Examiner**

a) The Hearing Examiner shall have authority over the conduct of a proceeding under this Part and the responsibility for submission of the matter to the Commission for decision. The Hearing Examiner shall have those duties and powers necessary to these ends, including the following:

- 1) To conduct hearings and pre-decisional conferences;
  - 2) To grant or deny Petitions to Intervene;
  - 3) To conduct discovery of the parties;
  - 4) To authorize the parties to conduct discovery and to supervise all discovery so authorized;
  - 5) To direct parties to serve testimony and exhibits and establish a date certain for service;
  - 6) To administer oaths and affirmations;
  - 7) To ensure that the proceedings are conducted in a full, fair and impartial manner, that order is maintained and that unnecessary delay is avoided in the disposition of the proceedings;
  - 8) To examine witnesses and allow the examination of an adverse party or agent;
  - 9) To rule upon all matters which do not result in the final determination of the proceeding;
  - 10) To call upon any party at any stage of the proceeding to produce further information that is material and relevant to any issue;
  - 11) To issue recommended decisions pursuant to Section 762.410 of this Part;
  - 12) To issue protective orders in accordance with Section 762.220 of this Part; and
  - 13) To have any proceeding transcribed by a reporter appointed by the Commission.
- b) Any party who fails to comply with an order of the Hearing Examiner may be limited in its presentation of information during the proceeding.

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

**Section 762.100 Communications to the Commission**

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All documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. All formal communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

**Section 762.110 Submission for Commission Approval of an Arbitrated Agreement**

All arbitrated agreements submitted under this Part shall be accompanied by written comments and draft proposed decisions supporting either approval or rejection of the agreement.

**Section 762.120 Filing of Comments**

An original and 11 copies of all comments and draft proposed decisions shall be filed with the Commission. Comments shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:

- a) A table of contents;
- b) A short statement of the case;
- c) A summary of the position of the party filing; and
- d) Argument.

**Section 762.130 Service**

a) All documents shall be deemed filed on the date received by the Chief Clerk of the Commission. Service on the Chief Clerk of the Commission cannot be made by telephone facsimile. All documents must be served upon the parties and intervenors to the proceeding on the day they are filed with the Chief Clerk of the Commission.

b) Proof of service of any paper shall be by certificate of attorney, acknowledgement of receipt, or affidavit.

## SUBPART C: PRE-DECISIONAL PROCEDURE

**Section 762.200 Pre-decisional Conferences**

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-decisional conference. Notice of the pre-decisional conference shall be given in writing, telephone, or telephone facsimile no later than 24 hours before the pre-decisional conference. Such a conference may be held for any purpose, including, but not limited to:

- a) Scheduling;
- b) Identification and simplification of issues;
- c) Amendments to documents; and
- d) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

**Section 762.205 Schedule of Pre-decisional Procedure**

In the absence of a schedule established at a Section 762.200 pre-decisional conference, all other parties to the proceeding shall file and serve comments and draft proposed decisions twelve days from the filing of the petition for approval of the arbitrated agreement.

**Section 762.210 Intervention**

a) Petitions to intervene shall contain:

- 1) The name, address and telephone number of the petitioner seeking leave to intervene;
  - 2) A plain and concise statement of the nature of such petitioner's interest;
  - 3) A prayer for leave to intervene and be treated as a party to the proceeding.
- b) While a petition for leave to intervene is pending, the Hearing Examiner, in his or her discretion, may permit the petitioner to participate in the proceeding.

**Section 762.220 Protective Orders**

At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

## SUBPART D: DECISIONAL PROCEDURE

**Section 762.300 Disqualification of Hearing Examiner**

- a) A Hearing Examiner assigned to a proceeding may, upon written request to and approval of the Chief Hearing Examiner, recuse himself or herself from the proceeding.
- b) Whenever any party believes a Hearing Examiner for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearing Examiner, setting forth by affidavit the alleged grounds for disqualification. The Hearing Examiner shall have 5 days after filing of the motion within which to enter a written ruling thereon. A copy of such ruling shall be served upon all parties.
- c) Any ruling by a Hearing Examiner denying a request for recusal under this Section may be reviewed by the Commission. Review shall be sought no more than 3 days from the denial of the motion to recuse or disqualify. The party seeking review of the ruling shall file with the Chief Clerk a verified petition, together with any offer of proof,

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

and shall serve a copy of the petition upon the Hearing Examiner and all parties to the proceeding. Other parties and the staff representative may file responses within 3 days after the filing of the petition. The Hearing Examiner shall have 3 days from the filing of the petition within which to file a report to the Commission with the Chief Clerk, who shall serve copies of such report on the parties and the staff representative.

**Section 762.310 Consolidation and Severance**

The Commission or Hearing Examiner may order two or more proceedings involving a similar question of law or fact to be consolidated where rights of the parties or the public interest will not be prejudiced by such procedure. The Commission or Hearing Examiner may order separate proceedings if issues cannot be conveniently disposed of with other issues in the proceeding, or if for any other reason severance of the parties is required.

**Section 762.320 Ex Parte Communications**

- a) The provisions of Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60] shall apply in full to Commission proceedings that are subject to this Part. The provisions of Section 10-60 shall not apply, however, to communications between Commission employees who are engaged in investigatory or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in Section 10-60, directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding.
- b) Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] shall place on the public record of the proceeding:
  - 1) All such written communications;
  - 2) Memoranda stating the substance of all such oral communications; and
  - 3) All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (b)(1) and (2). [220 ILCS 5/10-103]
- c) The material specified in subsection (b) shall be disclosed to the parties of record by service by hand delivery, overnight mail or courier service or telephone facsimile on all parties to the proceeding.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULE

## SUBPART E: POST-COMMENT PROCEDURE

**Section 762.410 Hearing Examiner's Proposed Decision**

The Hearing Examiner presiding shall, after the receipt of Initial and Reply comments, prepare a proposed decision, including a statement of findings and conclusions and the reasons or basis therefor, on all the material issues presented. Such proposed decision shall be served by the Chief Clerk of the Commission on all parties to the proceeding.

**Section 762.420 Exceptions**

- a) The parties may file Exceptions to the Hearing Examiner's proposed decision. Unless otherwise ordered by the Hearing Examiner or the Commission, briefs on exceptions are due no later than 5 days after service of the Hearing Examiner's proposed decision. Replies to Exceptions shall be due no later than 8 days after service of the Hearing Examiner's proposed decision.
- b) Exceptions with respect to statements, findings of fact or rulings of law must be specific and must be stated and numbered separately in the brief. When exception is taken to a statement or finding of fact, a suggested replacement statement or finding must be incorporated. Exceptions may contain written arguments in support of the position taken by the party or staff representative filing such exceptions.

**Section 762.430 Oral Argument**

The Commission, upon its own motion, may hear oral argument from the parties.

**Section 762.440 Additional Comments**

Before issuance of a final order by the Commission, the Hearing Examiner may, on his or her own motion or when directed by the Commission, seek additional written comments from the parties.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Arbitration Practice2) Code Citation: 83 Ill. Adm. Code 7613) Section Numbers: Proposed Action:

761.10	New Section
761.20	New Section
761.30	New Section
761.40	New Section
761.100	New Section
761.110	New Section
761.130	New Section
761.140	New Section
761.150	New Section
761.200	New Section
761.210	New Section
761.220	New Section
761.230	New Section
761.240	New Section
761.300	New Section
761.310	New Section
761.320	New Section
761.330	New Section
761.340	New Section
761.350	New Section
761.360	New Section
761.370	New Section
761.380	New Section
761.400	New Section
761.410	New Section
761.420	New Section
761.430	New Section
761.440	New Section
761.450	New Section
761.460	New Section
761.470	New Section

- 4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

- 5) A Complete Description of the Subjects and Issues Involved: These rules are a response to the Telecommunications Act of 1996 (P.L. 104-104), which places certain responsibilities on State agencies with regulatory responsibilities over telecommunications carriers, among them being the arbitration of disputes between carriers when an interconnection agreement cannot be reached by negotiation between carriers. These rules will



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

provide rules of practice that are specifically designed to implement arbitration proceedings under Section 252 of the Telecommunications Act of 1996. The Commission has established the requirements for the form, filing, and the service of documents in the arbitration proceeding, discovery, and procedure prior to, during, and following the arbitration proceeding.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
(217) 782-7434

Comments should be filed with the Chief Clerk within 15 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not for profit corporations affected: These rules will affect any telecommunications carrier that is a small business as defined in the Illinois Administrative Procedure Act and that is seeking arbitration under Section 252 of the Telecommunications Act of 1996. These rules will not affect small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.

C) Types of professional skills necessary for compliance: Legal skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

not included on either of the 2 most recent agendas because: The law requiring the involvement of the Illinois Commerce Commission in this process did not become effective until February 8, 1996.

The full text of the Proposed Rule is identical to the text of Emergency Rules for this Part appearing at page 8544 of this issue of the *Illinois Register*:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers:  
     Proposed Action:  
     1.250 Amendment  
     1.280 Amendment  
     1.420 Amendment  
     1.790 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6

- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments respond to several issues, specifically:

- the need to set forth in rule the conditions upon which school districts would receive State aid for one-half days of pupil attendance, which would implement the current practice (see Section 1.420(f)(3));
- the changes necessitated by P.A. 89-184, effective July 19, 1995, which adds "other persons" to the educational staff responsible for maintaining discipline (see Section 1.280);
- P.A. 89-155 and P.A. 89-175, effective July 19, 1995, which add marching band and Reserved Officer Training Corps, respectively, as allowable reasons to excuse students in grades 9 through 12 from physical education (see Section 1.420(p)(6)); and
- P.A. 89-212, effective August 4, 1995, which allows certified teachers without a substitute teaching certificate to serve as a substitute in place of a certified teacher who is under contract with the employing board (see Section 1.790).

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

Sally Vogl  
 Agency Rules Coordinator  
 Illinois State Board of Education  
 100 North First Street, S-284  
 Springfield, IL 62777-0001  
 (217) 782-0541

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996.

The full text of the proposed rule(s) begins on the next page:



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

## PART 1

## PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

## SUBPART A: SCHOOL ACCREDITATION

## Section

1.10 Definitions

1.20 The School Accreditation Process

1.30 Development of School Improvement Plans

1.40 Student Performance and School Improvement Requirements

1.50 State Assessment

1.60 Operational Compliance

1.70 Effective Dates of Accreditation

1.80 Academic Watch List

1.90 System of Rewards and Recognition

1.100 Waiver and Modification of State Board Rules and School Code Mandates

## SUBPART B: SCHOOL GOVERNANCE

## Section

1.210 Powers and Duties

1.220 Duties of Superintendent

1.230 Board of Education and the School Code

1.240 Equal Opportunities for all Students

1.245 Waiver of School Fees

1.250 District to Comply with 23 Ill. Adm. Code 170 ~~175~~ and 180 ~~195~~

1.260 Commemorative Holidays to be Observed by Public Schools

1.270 Book and Material Selection

1.280 Discipline

1.290 Absenteeism and Truancy Policies

## SUBPART C: SCHOOL DISTRICT ADMINISTRATION

## Section

1.310 Administrative Responsibilities

1.320 Duties

1.330 Hazardous Materials Training

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section

1.410 Determination of the Instructional Program

1.420 Basic Standards

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1.430 Additional Criteria for Elementary Schools

1.440 Additional Criteria for High Schools

1.445 Required Course Substitute

1.450 Special Programs

1.460 Credit Earned Through Proficiency Examinations

1.462 Uniform Annual Consumer Education Proficiency Test

1.465 Ethnic School Foreign Language Credit and Program Approval

1.470 Adult and Continuing Education

1.480 Correctional Institution Educational Programs

## SUBPART E: SUPPORT SERVICES

## Section

1.510 Transportation

1.520 School Food Services

1.530 Health Services

1.540 Pupil Personnel Services (Repealed)

## SUBPART F: STAFF CERTIFICATION REQUIREMENTS

## Section

1.610 Public School Districts

1.620 Accreditation of Staff

1.630 Noncertificated Personnel

1.640 Requirements for Different Certificates

1.650 Transcripts of Credits

1.660 Records of Professional Personnel

## SUBPART G: STAFF QUALIFICATIONS

## Section

1.705 Minimum Requirements for Teachers

1.710 Minimum Requirements for Elementary Teachers

1.720 Minimum Requirements for Teachers of Middle Grades

1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above

1.735 Requirements to Take Effect on July 1, 1991

1.736 Requirements to Take Effect on July 1, 1994

1.740 Standards for Reading

1.750 Standards for Media Services

1.760 Standards for Pupil Personnel Services

1.770 Standards for Special Education Personnel

1.780 Standards for Teachers in Bilingual Education Programs

1.781 Requirements for Bilingual Education Teachers in Grades K-12

1.782 Requirements for Teachers of English as a Second Language in Grades K-12

1.790 Substitute Teacher

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- APPENDIX A Professional Staff Certification  
 APPENDIX B Certification Quick Reference Chart  
 APPENDIX C Glossary Of Terms  
 APPENDIX D State Goals for Learning  
 APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination  
 APPENDIX F Criteria for Determination - Student Performance and School Improvement  
 APPENDIX G Criteria for Determination - State Assessment

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and 27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g (see P.A. 89-3, effective February 27, 1995), 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3533, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SCHOOL GOVERNANCE

## Section 1.250 District to Comply with 23 Ill. Adm. Code 170 ¶75 and 180 ¶85

The district shall comply with 23 Ill. Adm. Code 170 titled "Sprinkler System," 175--rules--entitled--"Efficient--and--Adequate--Standards--for--the--Building Specifications--for--the--Construction--of--Schools," and 23 Ill. Adm. Code 180 titled "Health/Life Safety Code for Public Schools." 195--rules--entitled--"Building Specifications for Health and Safety in Public Schools," as issued by the State Superintendent of Education.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1.280 Discipline

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Section 24-24 of the School Code [105 ILCS 5/24-24] provides for ~~states--that teachers, and other~~ certificated educational employees and persons providing a related service for or with respect to a student as determined by the board of education to ~~shall~~ maintain discipline in the schools.

- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].  
 b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Section 24-24 of the School Code [105 ILCS 5/24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: THE INSTRUCTIONAL PROGRAM

## Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.  
 b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the state.  
 c) Every school district shall:  
 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.  
 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.  
 d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.  
 e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.  
 f) Sections 10-19 and 18-8 of the School Code [105 ILCS 5/10-19 and 18-8] specifies certain measures relative to the school day. Any deviation from Section 18-8 of the School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of school work each day with the following exceptions.  
 1) Four clock-hours may be counted as a day of attendance for



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- full-day kindergarten and first-grade pupils.
- 2) Two or more clock-hours may be counted as a half-day of attendance by pupils in half-day kindergarten programs. However, such kindergartens may count two and one-half days of attendance in any five consecutive school days. Where a pupil attends such a kindergarten for two half-days on any one school day, such pupil shall have the following day as a day absent from school, unless the school system obtains permission in writing from the State Superintendent of Education. (Section 18-8 of the School Code.) Approval will be granted pursuant to the provisions of subsection(f)(5)(a) of this Section.
- 3) One clock-hour may count as one half-day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.
- 4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.
- 5) Opening and Closing of School Term - Approval of Days of Attendance of Four or more Clock-Hours
- A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term, and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers' workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis of the present facilities being inadequate to house a normal program.)
- B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent of Education upon certification of the district's plans by the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock-hours. Requests for extensions shall be made by the district annually prior to the opening of school.
- 6) A session of three or more clock-hours up to a maximum of five half-days per school year may be counted as a full day of attendance when the remainder of the day or when at least two hours in the evening of that day are utilized for an inservice

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- training program for teachers. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of allowable half-days by two. In either instance, the programs shall have prior approval on forms supplied by the State Board of Education. Such days can only be scheduled as provided in Section 18-8(1)(g) of the School Code [105 ICS 5/18-8(1)(g)].
- 7) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers must hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.
- 8) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.
- 9) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.
- B) For purposes of determining average daily attendance on the district's General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.
- g) Length of School Term
- 1) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 195 days to ensure 176 days of actual pupil attendance, computable under Section 18-8 of the School Code. Any days allowed by law for a teachers' institute but not used as such or used as parental institutes as provided

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in Section 10-22.18d of the School Code [105 ILCS 5/10-22.18d] shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of the School Code [105 ILCS 5/10-19.1], the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension, school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section.

2) Nothing in this Section prevents the board from employing superintendents of schools, principals, and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8 of the School Code [105 ILCS 5/10-23.8], or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 10-19 of the School Code).

h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).

1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

C) All support services (e.g., health counseling and transportation) provided by the district must be equally

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available to full-day and half-day students.

i) Career Education

1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.

2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

1) Programs for extra classroom activities shall provide opportunities for all students.

2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

l) Conservation of Natural Resources

1) In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness

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*areas, forest management, protection of wild life, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.

m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, state, national and international concern.

n) Health Education

Each school system shall be in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act (105 ILCS 110).

1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

o) Media Programs

Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.

p) Physical Education

1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

4) *The Physical Education and training course offered in grades 9 and 10 may include Health Education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).

5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a*

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*person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).

6) Pursuant to Section 27-6(b) of the School Code, each Board school board which chooses to excuse pupils enrolled in grades 9 through 12 ~~at end of~~ from engaging in physical education courses ~~as provided in Section 27-6(b) of the School Code~~ shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual

~~circumstances and the following plans for postsecondary education participation in interscholastic sports or enrollment in a class required for graduation.~~

q) Pupil Personnel Services

To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

r) Social Studies and History

Each school system shall provide history and social studies courses which do the following:

- 1) Analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
- 2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the state (Section 27-21 of the School Code);
- 3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the School Code);
- 4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
- 5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
- 6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the



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- School Code [105 ILCS 5/27-20.5]).
- s) protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.

- t) In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).

- u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: STAFF QUALIFICATIONS

## Section 1.790 Substitute Teacher

- a) A person substituting for any member of the professional staff should have the qualifications required of the staff member for whom that individual is substituting.
- 1) To serve as a substitute teacher, a person shall hold a valid certificate as specified in Section 21-9 of the School Code [105 ILCS 5/21-9] ~~or which may be a substitute teacher certificate.~~
  - 2) A teacher holding a substitute teacher certificate may teach only in the place of a certified teacher who is under contract with the employing board, for a period not to exceed 90 paid school days or 450 paid hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as five hours (Section 21-9 of the School Code).
- b) ~~Special--Note:~~ Substitute teachers who hold ~~only~~ a substitute

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certificate or a certificate for grades other than the class being taught may teach only when a ~~fully-certified~~ teacher certified for the grade is not available (Section 21-9 of the ~~the~~ School Code).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:  
112.110 Proposed Action:  
112.151 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.A. 103-286.
- 5) Complete Description of the Subjects and Issues Involved: Pursuant to provisions of Public Law 103-286, these proposed amendments exempt, both as income and asset, any payments made under the German Restitution Act to certain survivors of the Holocaust. The payments may be made periodically or as a lump sum. As a result of this rulemaking, payments made to victims of Nazi persecution will be disregarded in determining eligibility for the AFDC program.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes  

Section Numbers	Proposed Action	Illinois Register Citation
112.71	Amendment	February 23, 1996 (20 Ill. Reg. 3461)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

Judy Umunna  
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Illinois Department of Public Aid  
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- 12) Initial Regulatory Flexibility Analysis:  

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities, or not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may, however, submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.
- 13) Types of small businesses, small municipalities and not for profit corporations affected: None
- 14) Reporting, bookkeeping or other procedures required for compliance: None
- 15) Types of professional skills necessary for compliance: None
- 16) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was listed in January 1995 but was not proposed until now.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

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112.1 Description of the Assistance Program  
112.5 Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.8 Caretaker Relative  
112.9 Client Cooperation  
112.10 Citizenship  
112.20 Residence  
112.30 Age  
112.40 Relationship  
112.50 Living Arrangement  
112.52 Social Security Numbers  
112.54 Assignment of Medical Support Rights  
112.60 Lack of Parental Support or Care  
112.61 Death of a Parent  
112.62 Incapacity of a Parent  
112.63 Continued Absence of a Parent  
112.64 Unemployment of the Parent  
112.65 Employment Plan  
112.67 Restriction in Payment to Households Headed by a Minor Parent

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section  
112.70 Participation Requirements for JOBS  
112.71 Individuals Exempt from JOBS  
112.72 JOBS Participation/Cooperation Requirements  
112.73 Adolescent Parent Program  
112.74 JOBS Initial Assessment Process/Development of an Employability Plan  
112.76 JOBS Orientation  
112.77 Conciliation and Fair Hearings  
112.78 JOBS Components  
112.79 JOBS Sanctions  
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements  
112.81 Responsible Relative Eligibility for JOBS  
112.82 JOBS Supportive Services

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112.83 Young Parents Program  
112.84 Work Experience Evaluation Project  
112.85 Four Year College/Vocational Training Demonstration Project

## SUBPART E: PROJECT ADVANCE

Section  
112.86 Project Advance  
112.87 Project Advance Experimental and Control Groups  
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers  
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers  
112.90 Project Advance Sanctions  
112.91 Good Cause for Failure to Comply with Project Advance  
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## SUBPART F: EXCHANGE PROGRAM

Section  
112.98 Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section  
112.100 Unearned Income  
112.101 Unearned Income of Stepparent or Parent  
112.105 Budgeting Unearned Income  
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.107 Initial Receipt of Unearned Income  
112.108 Termination of Unearned Income  
112.110 Exempt Unearned Income  
112.115 Education Benefits  
112.120 Incentive Allowances  
112.125 Unearned Income In-Kind  
112.126 Earmarked Income  
112.127 Lump Sum Payments  
112.128 Protected Income  
112.130 Earned Income  
112.131 Earned Income Tax Credit  
112.132 Budgeting Earned Income  
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision  
112.134 Initial Employment  
112.135 Budgeting Earned Income For Contractual Employees  
112.136 Budgeting Earned Income For Non-Contractual School Employees



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112.137	Termination of Employment
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

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112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

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112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income

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112.340	Disregard (Repealed)
	New Start Payments to Individuals Released from Department of Corrections Facilities
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Section	
112.350	Child Care
112.352	Child Care Eligibility
112.354	Qualified Provider
112.356	Notification of Available Services
112.358	Participant Rights and Responsibilities
112.362	Additional Service to Secure or Maintain Child Care Arrangements
112.364	Rates of Payment for Child Care
112.366	Method of Providing Child Care
112.370	Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

Section	
112.400	Transitional Child Care Eligibility
112.404	Duration of Eligibility for Transitional Child Care
112.406	Loss of Eligibility for Transitional Child Care
112.408	Qualified Child Care Providers
112.410	Notification of Available Services
112.412	Participant Rights and Responsibilities
112.414	Child Care Overpayments and Recoveries
112.416	Fees for Service for Transitional Child Care
112.418	Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 13, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 213, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory

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amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10370, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding

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Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4385, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 10, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 5228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended

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at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1,

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1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

## Section 112.110 Exempt Unearned Income

- a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:
  - 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
  - 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
  - 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
  - 4) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-340;
  - 5) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
  - 6) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program;
  - 7) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (44-Rev.-Stat.-1991-ch-67-1-27 ~~part-404(e)~~) [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
    - 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;
    - 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act;
    - 10) Social Security death benefit expended on a funeral and/or burial;
    - 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760);



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- 12) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626);
- 13) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8);
- 14) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8);
- 15) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- 16) Payments received under the Radiation Exposure Compensation Act;
- 17) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act;
- 18) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;
- 19) Supportive Service payments made by the Job Opportunities and Basic Skills Training (JOBS) Program to any JOBS participant (Section 112.82);
- 20) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;
- 21) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- 22) Any payment provided by the Department of Mental Health and Developmental Disabilities (DMHDD) under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;
- 23) GA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive AFDC cash assistance; and
- 24) A non-recurring lump sum SSI payment (for example, Zebley Payment) made to an individual in an AFDC assistance unit. For those individuals not in an AFDC assistance unit whose income is used to determine AFDC eligibility for others (for example, stepparents, parents), the lump sum payment is nonexempt income for the month received;
- 25) Payments made to individuals because of their status as victims of Nazi persecution.

b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:

- 1) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(24) described in other provisions of the Section) of up to \$30.00 per person per

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- quarter;
- 2) The value of home produce which is used for personal consumption;
- 3) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;
- 4) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;
- 5) Barmarked child support payments received by the client for the support of a child not included in the assistance unit; and
- 6) Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 112.151 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
  - 1) A home which is the usual residence of the assistance unit.
  - 2) Clothing, personal effects and household furnishings.
  - 3) One automobile if the equity value does not exceed \$1500.
  - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).
  - 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
  - 6) Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for children under the National School Lunch Act (42 U.S.C. 1751 et seq.), as amended.
  - 7) The principal and interest of a trust fund which, upon petition, the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.
  - 8) Burial plots.
  - 9) Prepaid Funeral Agreements worth \$1500 or less per person.
  - 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
  - 11) A non-recurring lump sum SSI payment (for example, Zebley Payment) made to an individual in an AFDC assistance unit is

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b) In addition to the above, the following assets are exempt. The assets listed in this subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.

- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
- 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 U.S.C. 3045 et seq.), as amended.
- 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), effective January 1, 1975, of the U.S. Housing Act of 1937, as amended.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
- 10) For those individuals who have approved self-employment plans under Section 112.78, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owned on the asset) exceeds \$1,000. If the assets are determined to

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exceed \$1,000 but are less than \$5,000, the case is to be referred to the Bureau of AFDC JOBS Administration for review to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.

- 11) Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1982b through 1989b-8).
- 12) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Health Start" Project.
- 16) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- 17) Earmarked child support payments received by a client for the support of a child not included in the assistance unit.
- 18) Payments received under the Radiation Exposure Compensation Act.
- 19) Payments made to individuals because of their status as victims of Nazi persecution.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: 502.320  
Proposed Action:  
Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A complete description of the subjects and issues involved: This amendment establishes that veterinary assistants may perform equine dentistry and that any dental work performed by veterinary assistants shall be contracted through and supervised by veterinarians.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
502.830	Proposed	20 Ill. Reg. 1174, January 19, 1996

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of a request by the Department of Professional Regulation and did not appear in a regulatory agenda.

The full text of the proposed amendment begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502  
LICENSING

## SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
502.58	License to Participate

## SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	
502.60	Denial of a License for Criminal Conviction
502.72	First-Time Applicant Who Has Been Convicted of a Crime
502.76	Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

## SUBPART C: GENERAL CRITERIA

Section	
502.110	Criteria for Determining Eligibility
502.115	Standards Required of All Applicants

## SUBPART D: OWNERS

Section	
502.120	Owners

## SUBPART E: TRAINERS AND ASSISTANT TRAINERS

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Section	
502.200	Trainers and Assistant Trainers
502.210	Prospective Trainers or Assistant Trainers
502.220	Workers' Compensation

## SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section	
502.230	Jockeys and Apprentice Jockeys
502.235	Apprentice Jockeys, Criteria for Eligibility
502.238	Apprentice Contract or Certificate

## SUBPART G: DRIVERS

Section	
502.250	Harness Driver
502.260	Prospective Harness Drivers
502.270	"Q" Licenses
502.280	"P" Licenses
502.290	"A" Licenses

## SUBPART H: OTHER LICENSEES

Section	
502.300	Veterinarians
502.320	Veterinary Assistant
502.350	Farrers (Blacksmiths)
502.380	Exercise Riders
502.400	Pony Person
502.450	Stable Foreman
502.500	Jockey Agents
502.600	Authorized Agents
502.650	Tack Shop Operators and Other Vendors
502.660	Vendor Helper
502.680	Thoroughbred Grooms
502.690	Harness Grooms
502.700	Hotwalker
502.790	Totalizator Employee

## SUBPART I: CONFLICTS OF INTEREST

Section	
502.800	General Provision
502.820	Dual Licensing
502.830	Limitations on License
502.840	Husbands and Wives
502.850	Transfer of a Horse

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(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART H: OTHER LICENSEES

Section 502.320 Veterinary Assistant

- a) An applicant for a license as a veterinary assistant shall establish an offer of employment by a veterinarian licensed by the Board by obtaining the signature of the veterinarian on the license application, and the veterinarian will supervise the applicant.
- b) A veterinary assistant shall be permitted to practice equine dentistry only under the following circumstances:
  - 1) The services of the veterinary assistant are retained by a licensed veterinarian under the employment agreement or an independent contract.
  - 2) The contract for service is between the veterinarian and the Client.
  - 3) Fees for services are paid by the client to the licensed veterinarian.
  - 4) Payment to the veterinary assistant is made by the veterinarian.
  - 5) The veterinarian's billing records indicate the nature of the work performed.
  - 6) The work is performed under the veterinarian's general supervision; and
  - 7) The veterinarian is in a position to give such supervision as deemed necessary.
- a) document evidence of an offer of employment by a veterinarian licensed by the Board before being granted a license--such offer shall be established by the signature on the license application of the veterinarian who has actually offered such employment--or submit together with the application an affidavit from a veterinarian licensed by the Board indicating that the affiant will provide immediate supervision to the applicant.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Officials of Meeting
- 2) Code Citation: 11 Ill. Adm. Code 1403
- 3) Section Numbers: Proposed Action:  
1403.68 Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A complete description of the subjects and issues involved: This amendment, in conjunction with the proposed amendment to Section 502.320, establishes who is allowed to provide dental work for horses.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:
- Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
(312) 814-5070

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of a request by the Department of Professional

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

Regulation and did not appear in a regulatory agenda.

The full text of the proposed amendment begins on the next page:



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions

2) Code Citation: 35 Ill. Adm. Code 276

3) Section Numbers: Adopted Action:

- 276.101 Amended
- 276.102 Amended
- 276.201 Amended
- 276.202 Amended
- 276.203 Amended
- 276.204 Amended
- 276.205 Amended
- 276.206 Amended
- 276.301 Amended
- 276.303 Amended
- 276.304 Amended
- 276.305 Amended
- 276.306 Amended
- 276.307 Amended
- 276.308 Amended
- 276.309 Amended
- 276.310 Amended
- 276.311 Amended
- 276.401 Amended
- 276.402 Amended
- 276.501 Amended
- 276.502 Amended
- 276.503 Amended
- 276.504 Added
- 276.601 Amended
- 276.602 Amended
- 276.603 Renumbered, added
- 276.604 Renumbered, amended
- 276.701 Amended
- 276.702 Amended
- 276.703 Amended
- 276.704 Repealed
- 276.705 Renumbered
- 276.801 Amended
- 276.802 Amended
- 276.803 Amended
- 276.804 Amended
- 276.901 Amended
- 276.902 Amended
- 276.903 Amended
- 276.904 Repealed
- 276.1001 Added

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHbred)

PART 1403

OFFICIALS OF MEETING

Section

- 1403.10 Designation of Officials
- 1403.20 Wagering Prohibited
- 1403.30 Patrol Judges
- 1403.40 Leaving Employment
- 1403.60 State Veterinarians Report Examinations
- 1403.63 Veterinarians' List
- 1403.66 Reports at Close of Meeting
- 1403.68 Dental Work on Horse (Repealed)
- 1403.70 Paddock Judge
- 1403.74 Inspection of Bandages
- 1403.77 Ice Bandages
- 1403.80 Jockey Room Custodian

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended November 17, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10962; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1403.68 Dental Work on Horse (Repealed)

No person shall practice dentistry or work on the teeth or gums of any horse on an Illinois race track unless he is licensed by the Board and the state as a veterinarian.

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

276.1002

Added

4) Statutory Authority: 625 ILCS 5/13A and 13B.5) Effective Date of Rulemaking: June 14, 19966) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No8) Date Filed in Agency's Principal Office: June 14, 19969) Notice of Proposal Published in Illinois Register: March 15, 1996, 20 Ill. Reg. 410010) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version: The differences between the proposal and the final version involve grammatical corrections, clarifications of specific terms and meanings, and eliminations of errors and inconsistencies. No substantive changes were made between the proposal and the final version.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will this rulemaking replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rulemaking: These adopted amendments incorporate recent, beneficial changes in federal guidance for an improved basic vehicle inspection and maintenance program, and also incorporate changes contained in 625 ILCS 5/13B designed to help implement the upcoming enhanced I/M program. Specific adopted amendments include: introduction of a simpler exhaust emissions test; addition of a test to determine the quality of a vehicle's evaporative system by testing a vehicle's fuel cap; elimination of the three-element tamper check; and, improvement of quality assurance and quality control requirements.16) Information and questions regarding these adopted amendments shall be directed to:

Christopher P. Demeroukas  
Assistant Counsel  
Illinois Environmental Protection Agency  
Bureau of Air  
P.O. Box 19276

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62794-9276  
(217) 524-3333

The full text of the Adopted Amendment begins on the next page:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 276

PROCEDURES TO BE FOLLOWED IN THE  
PERFORMANCE OF ANNUAL INSPECTIONS OF  
MOTOR VEHICLE EXHAUST EMISSIONS

## SUBPART A: GENERAL PROVISIONS

Section  
276.101  
276.102

Purpose  
Definitions

## SUBPART B: VEHICLE EMISSIONS EMISSION INSPECTION PROCEDURES

Section  
276.201

General Description of Vehicle Emissions Emission Inspection  
Procedures

Pollutants to be Tested - Exhaust Test

Dilution - Exhaust Test

Exhaust Emissions Emission Test Procedures

Evaporative System Integrity Test Procedures Vehicle--Inspection

Sequence

Engine and Fuel Type Modifications Tamper-Check-Procedures

276.206

## SUBPART C: STICKER OR CERTIFICATE ISSUANCE, AND DISPLAY, AND

## POSSESSION

Section  
276.301

General Requirements

Determination of Affected Counties

Emissions Inspection Sticker or Certificate Design and Content

Initial Emissions Emission Inspection Stickers or Certificates

Exempt Emissions Inspection Stickers or Certificates

Renewal Emissions Inspection Stickers or Certificates

Temporary Emissions Inspection Stickers or Certificates

Corrected or Interim Emissions Inspection Stickers or Certificates

Waiver Emissions Inspection Stickers or Certificates

Emissions Inspection Sticker and Certificate Display and Possession

Pertinent-to Change of Assigned Test Month Dates

276.311

## SUBPART D: WAIVER REQUIREMENTS

Section  
276.401  
276.402

General Requirements  
Low Emissions Tuneups

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

## 276.403 Denial or Issuance of Waiver

## SUBPART E: TEST EQUIPMENT EXHAUST GAS ANALYZER SPECIFICATIONS

Section

276.501

General Requirements

Functional Requirements - Steady-State Idle Test Exhaust Analysis

Systems

Performance Criteria - Steady-State Idle Test Exhaust Analysis

Systems

Functional Requirements and Performance Criteria - Evaporative System

Integrity Test (Fuel Cap Leak Flow Tester)

276.504

## SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

Section

276.601

Maintenance - Steady-State Idle Test Equipment

Calibration - Steady-State Idle Test Equipment

276.603

Maintenance and Calibration - Evaporative System Integrity Test (Fuel

Cap Leak Flow Tester) Record-Keeping

276.604

Record Keeping

## SUBPART G: FLEET SELF-TESTING REQUIREMENTS

Section

276.701

General Requirements

276.702

Fleet Inspection Station Permit

276.703

Fleet Inspection Permittee Station Operating Requirements

276.704

Private Official Fleet Inspection Station Auditing and

Surveillance Fleet-Inspection-Procedures

276.705

Fleet Vehicle Inspection Procedures (Renumbered)

Section

276.801

General Requirements

276.802

Procedure for Filing Grievance

276.803

Agency Investigation

276.804

Review of Agency's Determination

## SUBPART H: GRIEVANCE PROCEDURE

## SUBPART I: NOTICES

Section

276.901

General Requirements

276.902

Initial Emissions Inspection Notice

276.903

First Warning Notice

276.904

Second Warning Notice (Repealed)



## ENVIRONMENTAL PROTECTION AGENCY

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## SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

Section  
276.1001

Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection

## 276.1002

Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle Emissions Inspection and Located in an Affected County

**AUTHORITY:** Implementing and authorized by the Vehicle Emissions Inspection Law and the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/Ch. 13A and 13B).

**SOURCE:** Adopted at 10 Ill. Reg. 13954, effective August 13, 1986; amended at 16 Ill. Reg. 10230, effective June 15, 1992; amended at 20 Ill. Reg. 8456, effective JUN 14 1996.

**NOTE:** In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

## SUBPART A: GENERAL PROVISIONS

## Section 276.101 Purpose

This part establishes specific procedures to be followed in the performance of inspections of motor vehicle ~~exhaust~~ emissions.

(Source: Amended at 20 Ill. Reg. **8456** = 1, effective JUN 14 1996.)

## Section 276.102 Definitions

- a) Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5], ~~and the Vehicle Emissions Inspection Law [625 ILCS 5 Ch. 13A], and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5 Ch. 13B]~~ ~~Rev. Stat. Ch. 15-1-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000~~
- b) The following definitions apply to this part:

"Accuracy" means the ~~the~~ combination of bias and precision errors, technically defined as uncertainty, that quantify the differences between a measured and true value.

"Affected county" means any ~~county~~ ~~any~~ county or portion thereof, as defined in Section 13A-102 of the Vehicle Emissions Inspection Law [625 ILCS 5/13A].

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"Agency" means the ~~the~~ Illinois Environmental Protection Agency

"Assigned test month" means the month and year ~~test month~~ ~~Month~~ allocated by the Agency for testing a vehicle. The first day of the "Assigned Test Month" shall be 4 months prior to the sticker of certificate "Expiration Date".

~~Average Exhaust Gas Concentration~~ ~~integrated average~~ ~~of analyzer response over a 5-15 second sampling period~~

~~Calibration~~ ~~The act of defining or checking the full response curve of the exhaust gas analyzer~~

"Calibration gas" means a ~~gas~~ ~~A~~ gas of known concentration used to establish the response curve of the exhaust gas analyzer.

~~Catalytic Converter~~ ~~Device designed to convert exhaust emissions using chemical catalysts to oxidize unburned hydrocarbons and carbon monoxide to water vapor and carbon dioxide~~ ~~Three-way catalytic converter also convert oxides of nitrogen and emissions of catalytic converter to reducing nitrogen and oxygen~~

"Corrected or interim emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.108 that contains a reassigned vehicle test month issued to an owner of a vehicle subject to emissions inspection who has petitioned the Agency for a change in Assigned Test Month, and whose vehicle has previously been issued an Initial Emissions Inspection Sticker or Certificate with an Assigned Test Month.

"Drift" means the ~~the~~ amount of change in analyzer reading over a period of time. Zero drift refers to the change of zero reading. Span drift refers to a change in the reading at a specified span gas calibration point.

"Emission control devices" means those components of a vehicle which were designed and are used to control vehicle exhaust and evaporative system emissions. For the purpose of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Evaporative system integrity test" means a test of a vehicle's evaporative system. The test shall either consist of a leak flow rate check of a vehicle's fuel cap with a fuel cap leak flow tester (fuel cap leak flow test), or a visual functional check of the fuel cap, as applicable.

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"Exempt emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.305 to an owner of a vehicle registered in an Affected County which is exempt from emissions inspection pursuant to Section 13B-15(f) or 13B-15(g) of the Vehicle Emissions Inspection Law of 1995, and the requirements of this Part.

"Exhaust gas analyzer" means a Gas Analyzer. A device that has the capability to identify unknown concentrations of particular constituents in motor vehicle exhaust gases by comparison with known concentrations of analytical gases.

"Expiration date" means the deadline date. A deadline for having a vehicle inspected and obtaining the appropriate sticker or certificate.

"Fleet inspection station" means a "Private Official Inspection Station".

"Fleet inspection permit" means a permit issued to fleet self-testers in accordance with Subpart G.

"Fleet inventory" means those vehicles which have been registered with the Agency for the purpose of fleet self-testing and which have been assigned a test month.

"Fleet vehicle" means any vehicle. Any non-exempt vehicle registered with the Agency for the purpose of fleet self-testing.

"Fuel inlet restrictor" means a component or design feature of the vehicle gasoline tank filler inlet which prevents the insertion of a gasoline pump nozzle spout having an outside diameter of not less than .9930 inch but allows the insertion of a nozzle spout having an outside diameter of no more than .9940 inch.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap leak flow tester (fuel cap tester)" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Gross vehicle weight rating (GVWR)" means the value specified by

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the manufacturer as the maximum design loaded weight of a single vehicle.

"HC hangup" means hydrocarbons hanging on the surface of the analyzer gas sampling stream causing errors in hydrocarbon readings.

"Heavy duty vehicle" means a duty vehicle. A motor vehicle rated by the manufacturer at more than 9500 gross pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet gross vehicle weight.

"High idle" means a vehicle idle. A vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at a speed of 2500 ± 300 RPM.

"Idle mode" means that portion of a vehicle emission test procedure conducted while the vehicle is operating in a condition with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Initial emissions inspection sticker or certificate" means a sticker or certificate inspection sticker issued in accordance with Section 276.304 to the owner(s) of a vehicle that has not been tested because such vehicle was not previously subject to inspection, but has become subject to inspection in accordance with the Vehicle Emissions Inspection Law [625 ILCS 5/Ch. 13A] as amended. (11/11/Rev. Stat. 1997 Ch. 95-1.27-92-13A-31-at-seq.).

"Interference" means those exhaust and exhaust gas analyzer read-out errors caused by instrument response to non-interest gases typically occurring in vehicle exhaust.

"Light-duty truck" means a motor vehicle rated by the manufacturer at 6000 pounds GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes

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of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 5,001 and 8,500 pounds maximum GVWR and which has a vehicle frontal area of 15 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer ~~Buty Vehicle~~ ~~passenger cars designed to carry not more than ten persons.~~

"National Institute of Standards and Technology (NIST) gas" means a standard ~~Bureau of Standards--NBS--gas~~ ~~Standard Gas~~ maintained or made available by the National Institute of Standards and Technology ~~Bureau of Standards~~ for the purpose of determining the accuracy of calibration gases.

"Non-exempt vehicle" means any ~~Vehicle~~ ~~Any~~ vehicle subject to emission inspections, regardless of whether the vehicle is in a certified configuration, under the Vehicle Emissions Inspection Law [625 ILCS 5/Ch. 13A].

"Non-fleet vehicle" means any ~~Vehicle~~ ~~Any~~ non-exempt vehicle except for vehicles registered with the Agency for the purpose of fleet self-testing.

"Official inspection station" means a ~~inspection station~~ ~~Any~~ vehicle emission inspection facility operated by the Agency or the Agency's Contractor for the purpose of conducting emission inspections on non-fleet vehicles.

"Preconditioning mode" means a period of steady-state high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient ~~atm-p.~~

"Private official inspection station" means a ~~Official Inspection Station~~ ~~A~~ vehicle emission inspection facility operated by a

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registered owner or lessee of fifteen (15) or more non-exempt fleet vehicles.

"Renewal emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.306 to an owner of a vehicle which successfully passes a vehicle emissions test in accordance with the provisions of this Part.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Span gas" means a ~~gas~~ ~~A~~ gas of known concentrations which is used to check or adjust the analyzer response characteristics to those determined by the calibration gases. Span gas used shall be a blended gas containing propane, carbon monoxide and carbon dioxide in nitrogen meeting the following specification:

Low range gas:  
HC: 200 - 800 ppm (propane)  
CO: 1.0 - 2.0%  
CO[2]: 6 - 10%

High range gas:  
HC: 80% of full scale  $\pm$  5%  
CO: 80% of full scale  $\pm$  5%  
CO[2]: 6 - 10%

"State inspector" means an ~~Inspector~~ ~~Any~~ Agency employee who is authorized to conduct waiver inspections and approve or disapprove applications for waiver.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a high idle preconditioning mode and a second-chance idle mode.

"Temporary emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.307 to an owner of a vehicle subject to inspection which currently has a valid initial or renewal emissions inspection sticker or certificate, and which has met the requirements of this Part.

"Test cycle" means the two-year period between a vehicle's Assigned Test Months.



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"Vehicle inspection report" means a Inspection Report report issued to the motorist indicating the results of an emission inspection or waiver determination.

Visual functional test" means a visual examination of a vehicle's fuel cap for any readily apparent wear, tampering, or defects which would prevent the fuel cap from operating properly.

"Waiver" means a suspension of the requirement that a non-exempt vehicle comply with exhaust emission standards after two or more attempts to do so, as provided for in this Part the statutory requirements in 1991 Rev. Stat. Ch. 95-1727-Part 13A-1366(d) as amended, are met.

"Waiver emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.209 to an owner of a vehicle which has failed a vehicle emissions test and at least one retest, but successfully complies with the applicable waiver requirements of this Part.

"Waiver inspection" means an inspection to determine whether a State Inspector to determine waiver eligibility. Such inspection includes verification of the low-emission tune-up review of test results and repair documentation and visual inspection of a vehicle for verification of repairs and presence of a properly functioning catalyst converter and fuel inlet restrictor and properly functioning fuel cap.

"Waiver inspection report" means a form containing waiver eligibility requirements which is completed by a State Inspector to determine whether a vehicle is eligible for a waiver.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

## Section 276.201 General Description of Vehicle Emissions Inspection Procedures

Compliance with vehicle exhaust and evaporative emissions emission standards shall be determined by use of a test procedures procedure as set forth in Section 276.204, and Section 276.205, and Section 276.206.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.202 Pollutants to be Tested - Exhaust Test

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Vehicle exhaust emission inspections shall consist of sampling vehicle tailpipe concentrations of hydrocarbons (HC, as hexane), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>).

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.203 Dilution - Exhaust Test

To prevent excess dilution in an exhaust emissions test, the sample probe shall be inserted a minimum of ten (10) inches into the vehicle's tailpipe. Extension boots shall be utilized if it is impossible to insert the sample probe at least ten (10) inches into the tailpipe. A vehicle emission test shall be invalid if the applicable emission standards are met but the sum of the carbon monoxide and carbon dioxide concentrations in the exhaust gas does not exceed 6% during the sample averaging period(s).

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.204 Exhaust Emissions Emission Test Procedures

- a) Steady-State Idle Test 2500-RPM/Idle-Test  
With the exception of those vehicles specified in paragraph (b) below, all vehicles shall be inspected using the 2500-RPM/Idle-Test procedure as set forth in Section 276.205(a).

## 1) Test Description

The steady-state idle test consists of a first-chance idle mode test followed, if necessary, by a second-chance test. The second-chance test consists of a high idle preconditioned mode while in neutral or park, followed immediately by an idle mode.

## 2) Engine Re-Start

In addition to the test procedures of this Section, the engines of 1981-1987 model year Ford Motor Company vehicles and 1984-1985 model year Honda Preludes must be shut off for not more than ten seconds and restarted prior to initiating the idle mode of the second-chance test. The probe shall be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

- b) Engine Restart-2500-RPM/Idle-Test-Alternative

All 1991 and later model year light-duty vehicles and light-duty trucks manufactured by Ford Motor Company and all 1984 and 1985 fuel-injected Honda Preludes shall be inspected using the engine restart-2500-RPM/Idle-Test procedure as set forth in Section 276.205(b).

## b) General Requirements

- 1) Tests shall be performed with Agency-approved equipment that has been calibrated according to the quality procedures contained in

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## Section 276.602.

- 2)† Vehicles with apparent leaks of fuel, oil, coolant, or exhaust shall not be tested.
- 3)† Vehicles with missing tail pipe sections which would prohibit full insertion of an analyzer probe shall not be tested.
- 4)† Vehicles shall be tested with their engines and emissions control systems at normal operating temperatures and not overheating (as indicated by gauge, temperature lamp, touch test on the radiator hose ~~warning light~~, and/or boiling radiator).
- 5)† Vehicles shall be tested without any accessories in operation.
- 6)† Vehicles shall be tested with their transmissions in neutral or park.
- 7)† For vehicles with multiple tailpipes, separate test results from each tailpipe shall be numerically averaged for each pollutant sampled unless equipment capable of simultaneously sampling multiple tailpipes is utilized.

## c) Procedures

- 1) The analysis of exhaust gas concentrations must begin ten seconds after the applicable test mode begins.
- 2) Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second.
- 3) The measured value for the pass/fail determination shall be a simple running average of the measurements taken over five seconds.
- 4) With the exception of those vehicles specified in subsection (c)(5), the tachometer must be attached to the vehicle in accordance with the analyzer manufacturer's instructions.
- 5) Vehicles that cannot continuously meet the engine speed requirements of subsection (e)(1)(B) within 30 seconds after initiation of the first-chance test shall be rejected upon verification of the proper operation and placement of the tachometer. If it is determined that the operation or placement of the tachometer is faulty, immediate corrective action shall be taken and the vehicle shall be retested in accordance with subsection (e).
- 6) If the engine speed falls outside the limits specified in subsections (e)(1)(B), (e)(2)(B), or (e)(2)(C), as applicable, for more than five seconds over all the excursions, the mode timer resets to zero and resumes timing.
- 7) For vehicles whose design prevents the monitoring of the engine rpm rate with a tachometer, the engine speed requirements of subsections (e)(1)(B), (e)(2)(B), and (e)(2)(C) shall not apply. The preconditioning mode of a second-chance idle test shall consist of accelerating the vehicle's engine to an estimated rate of 2500 rpm for a period of 3 seconds prior to initiating a second-chance idle mode test.
- 8) The sample probe must be inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system

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prevents insertion to this depth, a tailpipe extension must be used.

- 9) The measure concentration of CO plus CO<sub>2</sub> must be greater than or equal to 6 percent (6%) or the vehicle will be rejected.
- 10) Vehicles whose engine stalls at any time during the test sequence shall be rejected.
- d) Pass/Fail Determination
- A pass or fail determination is made for each applicable test mode based on a comparison of the test standards contained in 35 Ill. Adm. Code 240.124 with the measured value for hydrocarbons (HC) and carbon monoxide (CO) as described in subsection (c) of this Section. A vehicle passes the test mode if any pair of simultaneous measured values for HC and CO are below or equal to the applicable test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are above applicable standards.
- e) Test Sequence
- The steady-state idle test consists of a first-chance test and a second-chance test. The first-chance test consists only of an idle mode. The second-chance test consists of a preconditioning mode followed immediately by an idle mode, and is performed only if the vehicle fails the first-chance test.
- 1) First-Chance Test
- A) The test starts when the conditions specified in subsections (e)(1)(B) and (C) of this Section are met.
- B) The mode starts when the vehicle engine speed is between 350 and 1300 rpm. The minimum mode length is determined as described under subsection (e)(1)(C) of this Section.
- C) The pass/fail analysis begins after an elapsed time of ten seconds. A pass or fail determination is made for the vehicle and the mode is terminated in accordance with subsections (e)(1)(C)(i) through (iv) of this Section.
- i) The vehicle passes the idle mode and the test terminates on or before an elapsed time of 30 seconds, if the measured values are less than or equal to the applicable test standards as described in subsection (d) of this Section.
- ii) The pass/fail analysis shall continue beyond 30 seconds as long as emission readings are declining based upon comparison of the last five consecutive measured values. The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds and 90 seconds, the measured values are less than or equal to the applicable test standards described in subsection (d) of this Section.
- iii) The vehicle fails the first-chance test if the provisions of subsection (e)(1)(A), (e)(1)(C)(i), or

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the fuel cap tester can be used to test the vehicle's fuel cap and which adapter, if any, is required, based on one or more of the following items: VIN, make, model, and model year. If the fuel cap can be tested, then the following task shall be performed: A tachometer pickup shall be installed and a sample probe shall be inserted into the vehicle's tailpipe.

A) the fuel cap tester shall be pressurized to 30+1 inches of water. The inspector shall initiate the test. The fuel cap tester shall measure the fuel cap leak flow rate and simultaneously compare this flow rate with the flow rate through the calibrated orifice.

B) within fifteen (15) seconds, the fuel cap tester shall make a pass/fail determination. Pass/fail analysis shall be determined according to the procedures in subsection (c) of this Section.

C) fuel caps which have failed an initial integrity test under subsection c)(3) of this Section shall immediately receive a second-chance test after first ensuring that the fuel cap has been installed on the fuel cap tester correctly. The procedure contained in subsections a)(1) and a)(2) of this Section shall be repeated.

D) at the conclusion of all fuel cap leak flow tests, the fuel cap shall be removed from the fuel cap tester and replaced on the filler neck, ensuring that it is properly tightened.

2) If the fuel cap cannot be tested using the fuel cap tester due to the lack of proper testing information or equipment, and if the vehicle is not failed in accordance with subsection (a) of this Section, then the lane inspector shall perform a visual functional inspection of the fuel cap. The vehicle's engine speed shall be accelerated to 2500+/-300-RPM and maintained at a constant level while exhaust gas concentrations are measured. Engine speed shall be measured by tachometer. Average exhaust gas concentrations and engine speeds shall be recorded after stabilized readings have been obtained--90--30--seconds--have elapsed--whichever occurs first.

3) The vehicle's engine speed shall be reduced to idle. Average exhaust gas concentrations shall be recorded after stabilized readings have been obtained--90--30--seconds--have elapsed--whichever occurs first. The inspection sequence as provided in Sections 276.204 and 276.205.

c) b) Pass/Fail Determination The sequence of all vehicle inspections utilizing engine tests--2500-RPM--tests shall be as follows:  
1) Vehicles which are presented for testing with missing, inaccessible, incorrect, non-removable, illegal, or otherwise non-testable fuel caps (with the exception of fuel caps meeting the provisions of subsection a)(2) of this Section) shall fail the evaporative system integrity test. A tachometer pickup shall

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(e)(1)(C)(ii) of this Section are not met.

iv) The vehicle shall fail the first-chance test and the second-chance test shall be omitted if no measured values less than 1800 ppm HC are found by an elapsed time of 30 seconds.

2) Second-Chance Test

A) If the vehicle fails the first-chance test, a second-chance test is performed except as described in subsection (e)(1)(C)(iv) of this Section.

B) Preconditioning Mode

The mode starts when the engine speed is between 2200 and 2800 rpm, or between 1650 and 1950 rpm on specified vehicles equipped with 2F 4-speed Automatic Transmissions. The mode continues for an elapsed time of 30 seconds.

C) Idle Mode

The mode starts when the vehicle engine speed is between 350 and 1300 rpm. The minimum idle mode length is determined as described in subsection (e)(2)(D) of this Section.

D) The pass/fail analysis begins after an elapsed time of ten seconds. A pass or fail determination is made for the vehicle and the idle mode is terminated in accordance with the following:

i) the vehicle passes the idle test and the test terminates on or before an elapsed time of 60 seconds if the measured values are less than or equal to the applicable test standards as determined by the procedure described in subsection (d) of this Section;

ii) the vehicle fails the idle test and the test terminates if the provisions of subsection (e)(2)(D)(i) are not met within an elapsed time of 60 seconds.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.205 Evaporative System Integrity Test Procedures Vehicle-Inspection Sequence

a) Applicability  
The evaporative system integrity test shall be performed in accordance with the procedures specified in subsections (b) and (c) of this Section.

b) a) Test Procedure The sequence of all vehicle inspections utilizing engine restart--2500-RPM--tests shall be as follows:

1) The fuel cap shall be removed from the vehicle's fuel inlet and installed on the fuel cap leak flow tester, using an adapter if necessary. At Official Inspection Stations, the lane computer shall provide the lane operator with information as to whether



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**be-activated:**

- 2) If the fuel cap can be tested using the fuel cap tester and it meets the fuel cap leak flow rate standard contained in 35 Ill. Adm. Code 240, then the vehicle shall pass the evaporative system integrity test. The vehicle's engine shall be turned off and then restarted.
  - 3) If the fuel cap cannot be tested using the fuel cap tester, but can receive a visual functional test under subsection (a)(2) of this Section, then the vehicle shall pass the evaporative system integrity test. The sample probe shall be inserted into the tailpipe at:
  - 4) If the fuel cap does not pass the test under the provisions of subsection (b)(1) or (b)(2) of this Section, the vehicle shall fail the evaporative system integrity test. The vehicle's engine speed shall be recorded to 2500 RPM and maintained at a constant level while exhaust gas concentrations are measured. Engine speed shall be measured by tachometer. Average exhaust gas concentrations and engine speeds shall be recorded after stabilized readings have been obtained or 90 seconds, whichever is less.
  - 5) The vehicle's engine speed shall be reduced to idler. Average exhaust gas concentration shall be recorded after stabilized readings have been obtained or 90 seconds have elapsed. Whatever occurs during the inspection sequence (Step 2-3) shall be repeated for multiple tailpipe vehicles as provided in Section 276.244(c)(1).
- (AGENCY NOTE: No vehicle will be failed under subsection (c) until applicable standards have been adopted at 35 Ill. Adm. Code 240 and are effective.)

(Source: Amended at 20 Ill. Reg. **8456**, effective **JUN 14 1996**)

**Section 276.206 Engine and Fuel Type Modifications Tamper-Check Procedures**

In the inspection process, vehicles that have been altered from their original certified configuration are to be tested in the same manner as other subject vehicles. Specific procedures to be used are as follows:

- a) Vehicles with engines other than the engine originally installed by the manufacturer or an identical replacement of such engine shall be subject to the test procedures and standards for the chassis type and model year of the vehicle.
- b) Vehicles that have been switched from an engine of one fuel type to another fuel type that is subject to the program shall be subject to the test procedures and standards for the current fuel type, and to the requirements of subsection (a) of this Section.
- c) Vehicles that are switched to a fuel type for which there is no

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Certified configuration shall be tested according to the most stringent emission standards established for that vehicle type and model year.

Beginning July 17, 1997, all vehicles of model year 1975 or later shall have a tamper check performed as part of the emission inspection. The tamper check shall consist of the following elements:

- a) Catalyst Converter Inspection  
Mirrors will be utilized to visually determine the presence and condition of a catalyst converter. If required under Federal law, to be installed on the vehicle at the time of manufacture, if a required catalyst converter is missing or does not appear to be correctly installed and properly functioning, the vehicle will be deemed to have failed the emission inspection.
- b) Fuel-Gap Inspection  
Visual inspection will be utilized to determine the presence and type of fuel cap. If the fuel cap is missing, the wrong size or type, vented fuel cap, the vehicle will be deemed to have failed the emission inspection.
- c) Fuel-Intake Restrictor  
Visual inspection will be utilized to determine the presence of a fuel intake restrictor. If required under Federal law, to be installed on the vehicle at the time of manufacture, if a fuel intake restrictor is present, its diameter will be measured by attempting to insert a .0015-inch diameter gauge into the fuel intake restrictor. If the gauge can be inserted through the restrictor, it is a required fuel intake restrictor. If it is not, the vehicle will be deemed to have failed the emission inspection. If the fuel intake restrictor is missing or inoperable, the vehicle's catalyst converter shall be deemed to be inoperable.

(Source: Section repealed, new Section added at 20 Ill. Reg. **8456**, effective **JUN 14 1996**)

SUBPART C: STICKER OR CERTIFICATE ISSUANCE, AND DISPLAY, AND POSSESSION

**Section 276.301 General Requirements**

- a) The owners of all vehicles subject to inspection shall obtain and display on the vehicle thereon a valid unexpired vehicle emissions emission inspection sticker, or carry within the vehicle a valid unexpired vehicle emissions inspection certificate, whichever is required by the Agency of the type and issued in the manner described in this Section.
- b) The owner of every vehicle which receives an emissions emission inspection sticker or certificate shall be required to have the vehicle inspected prior to the expiration date of the sticker or

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certificate, and shall be requested to have the vehicle inspected prior to the end of the Assigned Test Month ~~its assigned test month~~. Failure to comply with applicable the provisions of the Vehicle Emissions Inspection Law [625 ILCS 5/Ch. 13A] or the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] (~~the~~ ~~Rev. Stat.~~ ~~1991-92~~ ~~Ch.~~ ~~95-1327~~ ~~Sec.~~ ~~13A-101~~ ~~et seq.~~) shall subject the owner(s) owner of the vehicle to the enforcement provisions thereof.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.303 Emissions Inspection Sticker or Certificate Design and Content

All emissions ~~emission~~ inspection stickers or certificates required ~~for display~~ under this Section shall be of ~~similar size and shape~~ ~~Each sticker except Exempt Stickers~~ shall, at a minimum, include the following information in a clear and recognizable fashion:

- the month and year the sticker or compliance certificate expires; ~~Sticker expiration date~~
- the month and year in which the vehicle is scheduled for testing; and ~~assigned test month~~
- a unique sticker or compliance certificate number, ~~serial number~~ and ~~an indication of the type of sticker as specified in Sections 276-3047 276-3067-276-307 and 276-3087~~

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.304 Initial Emissions Emission Inspection Stickers or Certificates

The Initial Emissions Inspection Sticker or Certificate enables a vehicle not previously subject to inspection to display a valid sticker or possess a valid certificate within the vehicle to demonstrate compliance with the Vehicle Emissions Inspection Law or the Vehicle Emissions Inspection Law of 1995 pending such vehicle receiving an such-vehicle's initial emissions emission inspection. Such sticker or certificate shall be issued as follows:

- The Agency or its designee shall send Initial Emissions Emission Inspection Stickers or Certificates to owners of all vehicles initially subject to inspection no less than fifteen days prior to the first day of the month in which the vehicle is scheduled for its initial inspection. Each Initial Emissions Emission Inspection Sticker or Certificate shall expire on the last day of the third month following the month assigned by the Agency for the initial inspection.
- Each Initial Emissions Emission Inspection Sticker or Certificate shall include a notice of the assigned month of the initial emissions emission inspection and shall be accompanied by a clear statement from the Agency that, based on vehicle records, the vehicle is subject to

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applicable emissions the-emission inspection requirements of the Vehicle Emissions Inspection Law and the Vehicle Emissions Inspection Law of 1995, as applicable. A form accompanying the sticker or certificate ~~explanation~~ will be provided to the vehicle owner to allow for correction of any information relied upon by the Agency.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.305 Exempt Emissions Inspection Stickers or Certificates

- An Exempt Emissions Inspection Sticker or Certificate may ~~will~~ be issued by the Agency or its designee for ~~display on~~ each vehicle registered in an Affected County that either:

- is exempt from emissions inspection pursuant to the ~~requirements of~~ Section 13B-15f 13A-1344d of the Vehicle Emissions Inspection Law of 1995; or
- is exempt from emissions inspection pursuant to Section 13B-15(g) of the Vehicle Emissions Inspection Law of 1995, provided however, that in order to receive an exemption under Section 13B-15(2), the owner of the vehicle must provide sufficient proof to the Agency that the vehicle is not located and primarily operated within an Affected County.

- Each Exempt Emissions Inspection Sticker or Certificate shall, at a minimum, include the following information in a clear and recognizable fashion:

- A unique sticker or certificate ~~serial number~~ and
- the word "EXEMPT"; and
- the month and year the sticker or certificate expires, if applicable.

- The owner ~~will be notified that an Exempt Sticker need not be displayed~~

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.306 Renewal Emissions Inspection Stickers or Certificates

A Renewal Emissions Inspection Sticker or Certificate will be issued by the Agency or its designee to the owner of ~~for display on~~ each vehicle which successfully passes a vehicle emissions test. Each Renewal Emissions Inspection Sticker or Certificate will contain the information indicated in Section 276.303 and the word "PASS".

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.307 Temporary Emissions Inspection Stickers or Certificates

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- a) The ~~At-the-time-the-Agency-is-notified-by-the-Secretary-of-State-of-a vehicle's-registration-by-a-new-owner-the~~ Agency or its designee may issue a Temporary Emissions Inspection Sticker or Certificate for any vehicle subject to inspection which ~~does-not-have-a~~ currently has a valid Renewal or Initial Emissions Inspection Sticker or Certificate ~~emission-inspection-sticker~~, and for which an Initial Emissions Inspection Sticker or Certificate has already been issued.
- b) A Temporary Emissions Inspection Sticker or Certificate may only be issued if the vehicle's owner informs the Agency that the vehicle will be tested by the end of the seventh month after the vehicle's Assigned Test Month, and one or more of the following conditions exist: ~~No Temporary Emissions Inspection Sticker shall be effective for a vehicle which has a valid unexpired sticker.~~
- 1) the vehicle is located and being primarily operated in an area not currently subject to inspection under the Vehicle Emissions Inspection Law;
  - 2) the vehicle is inoperative or has failed a vehicle emissions inspection and is awaiting necessary repairs to enable the vehicle to comply; or
  - 3) the vehicle has not received necessary repairs or adjustments for which it is eligible under any emissions performance warranty provided pursuant to Section 207 of the Clean Air Act.

- c) A Temporary Emissions Inspection Sticker or Certificate shall be issued and contain a sticker or certificate expiration date which is the end of the seventh complete month after the Assigned Test Month. ~~The Agency shall assign an emission inspection test date for each vehicle receiving a Temporary Emissions Inspection Sticker and shall send notice of such test date to the vehicle owner not less than fifteen days prior to the beginning of the assigned test month.~~

- d) A Temporary Emissions Inspection Sticker or Certificate may only be issued to the owner (or one of the registered owners, if more than one) of a vehicle once in the vehicle's test cycle. ~~Each Temporary Emissions Inspection Sticker shall expire on the last day of the fourth complete calendar month after the date the Agency is notified by the Secretary of State of the registration of the vehicle by a new owner, but not earlier than the end of the second complete calendar year after the vehicle's model year.~~

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.308 Corrected or Interim Emissions Inspection Stickers or Certificates

Vehicles subject to emissions ~~emission~~ inspection which have previously been issued an Initial Emissions Inspection Sticker or Certificate and which have an

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Assigned Test Month ~~assigned-test-date~~ may be reassigned to a later Assigned Test Month ~~test-date~~. Whenever such reassignment is approved by the Agency, the Agency or its designee shall issue a Corrected or Interim Emissions Inspection Sticker or Certificate to the owner of the ~~for-such~~ vehicle.

- a) The Agency shall issue a Corrected or Interim Emissions Inspection Sticker or Certificate for a vehicle if one or more of the following conditions exist: ~~Corrected Inspection Stickers shall be issued only to vehicles which cannot be tested during a period commencing with the first day of the assigned test month and ending with the expiration date of the current inspection sticker upon a claim by an owner that one or more of the following circumstances exist:~~

- 1) the Agency is notified by the Secretary of State that the vehicle has been registered by a new owner and the Agency assigns a test month for the vehicle that is later than the currently Assigned Test Month in order for the registered owner of the vehicle to receive proper notice to have the vehicle tested; ~~the vehicle is not within a one-hundred-mile radius of an assigned county;~~
  - 2) the Agency finds it necessary to reassign vehicles to a later Assigned Test Month and year in order to implement the Vehicle Emissions Inspection Law of 1995; ~~or the vehicle is inoperative or necessary repair parts are unavailable;~~
  - 3) the vehicle is assigned a new test month and year as a result of the granting of a petition pursuant to Section 276.311, ~~the vehicle has not complied with the vehicle emissions test standards and has not yet received repairs and adjustments for when it is eligible under any emission performance warranty provided pursuant to Section 207 of the Clean Air Act-42-9.5-97-749-et-seq-77-or~~
  - 4) ~~the vehicle owner or operator is incarcerated;~~
- b) All Corrected or Interim Emissions Inspection Stickers or Certificates shall expire at the end test-day of the third month following the Assigned Test Month ~~month-as-the-reassigned emission inspection test date.~~

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.309 Waiver Emissions Inspection Stickers or Certificates

A Waiver Emissions Inspection Sticker or Certificate ~~waiver-sticker~~ shall be issued by the Agency to the owner of ~~for display on~~ any vehicle which fails a vehicle emissions ~~emission~~ test and at least one test but successfully complies with the applicable waiver requirements of ~~the vehicle emissions inspection law~~ and Section 276.401. Each Waiver Emissions Inspection Sticker or Certificate ~~waiver-sticker~~ will contain the information indicated in Section 276.303 and the word "WAIVER".

(Source: Amended at 20 Ill. Reg. 8456, effective



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will return to an Affected County; and the Agency shall assign an earlier test month and expiration date and issue a new Emission Inspection Sticker unless a request is made too late to assign an earlier test month;

- b) if the vehicle is in storage during the month of October, November, December, January, February or March, the vehicle will be assigned a test month of the following April, May, or June if the request is received prior to the sticker or certificate expiration date. If a later test month and expiration date are requested, then the Agency shall change the assigned test month and expiration date and issue a new Emission Inspection Sticker;

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

SUBPART D: WAIVER REQUIREMENTS

Section 276.401 General Requirements

All vehicles subject to inspection under the Vehicle Emissions Inspection Law shall be eligible for a waiver from the vehicle exhaust emission standards contained in 35 Ill. Adm. Code 240 upon submission of proof (as outlined in Section 276.402(b)) to a State Inspector of compliance with all of the following:

- a) the vehicle has failed to comply with the applicable vehicle exhaust emission standards for hydrocarbons (HC, as hexane) and/or carbon monoxide (CO) on its initial inspection; and  
b) a low emissions tuneup (in accordance with the provisions set forth in Section 276.402) has been performed on the vehicle no more than 30 days prior to the request for waiver; and  
c) if the vehicle has received all repairs and adjustments for which it is eligible for coverage under any the emission performance warranty provisions pursuant to of Section 207(b) of the Clean Air Act (42 U.S.C. 7541) by the operator of the vehicle presents a written explanation from the person who performed the repairs documenting why such coverage was denied; and  
d) the vehicle has been retested and failed levels of exhaust emissions as measured during the final retest have shown improvement as compared with the initial test results; and if the vehicle is a 1975 or later model year, the State Inspector has determined that the vehicle has a properly functioning catalytic converter (as required to be installed under Federal law at the time of its manufacture) but that the resistor (as required to be installed under Federal law at the time of its manufacture) and a properly functioning gas cap; and  
e) the Agency determines by normal inspection procedures that the emission control devices with which the vehicle was originally equipped or direct replacements are present and appear to be properly connected and operating, provided however, that vehicles with emission

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Section 276.310 Emissions Inspection Sticker and Certificate Display and Possession

- a) If an emissions Any-emission inspection sticker required by this Part is issued by the Agency or its designee to the owner of a vehicle, it Section shall be affixed to the lower left hand side of the vehicle's windshield as viewed by the driver facing toward the front of the vehicle. Such sticker shall be affixed so as not to obscure the Vehicle Identification Number (VIN) of the vehicles when viewed from the outside. No more than one emission inspection sticker shall be displayed at any time. If an emissions inspection certificate required by this Part is issued by the Agency or its designee, it shall be carried inside the vehicle for which it is issued.

- b) Any sticker or certificate issued and required to be affixed to or possessed within a non-exempt vehicle subject to inspection under the Vehicle Emissions Inspection Law, whether expired or unexpired, shall not be removed by any person for any reason prior to its date of expiration. If the sticker or certificate is damaged or destroyed a duplicate sticker or certificate shall be requested from the Agency or its designee and issued to the owner of the vehicle.

- c) Persons engaged in the business of buying and selling vehicles need not maintain valid unexpired stickers on vehicles under their ownership which are not registered under Chapter 37-Article IV of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95-1/27 par. 3-100 et seq.) provided that no emission inspection sticker other than an Exempt Sticker shall be removed from such vehicles, whether expired or unexpired.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.311 Petition to Change of Assigned Test Month Dates

Any person who is unable to have his or her vehicle be tested in the month assigned by the Agency to him or her may request petition the Agency for a permanent change of in the vehicle's Assigned Test Month. test month and expiration date. Such request shall be granted if the petition includes a signed statement that the vehicle will not be driven in Illinois in the assigned test month and two months thereafter and the reasons therefor. The Agency may grant the request, shall reassign the vehicle's assigned test month, and expiration date and issue a Corrected Emissions Inspection Sticker or Certificate as follows appropriate stickers according to the following:

- a) if a vehicle is unable to be tested by the end of the seventh month after its Assigned Test Month, and is not eligible for an exemption under Section 276.305 nor covered by reciprocity provisions of Subpart J, a new test month will be assigned based on the month the vehicle

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control devices which are obsolete and cannot be obtained through the original equipment manufacturer, aftermarket manufacturers, or suppliers of used parts are exempt from the requirements of this subsection. Specific reporting requirements with regard to the unavailability of emission control devices shall be completed by the vehicle owner and presented to the Agency as may be specified. If during the course of a waiver inspection the State inspector determines that a 1975 or later model year vehicle's fuel inlet restrictor is required by Section 262.06 of the Clean Air Act, is missing or defective, no waiver shall be issued unless the catalytic converter has been replaced with a comparable and properly functioning new or rebuilt catalytic converter and the fuel inlet restrictor has been replaced or repaired.

§4 The vehicle has been inspected and has again failed to comply with the applicable vehicle exhaust emission standards provided; however, and if the vehicle has already received two inspections, no further inspection is required.

§13 Notwithstanding anything to the contrary herein, neither a waiver of the vehicle emissions exhaust emission standards nor an emissions emission inspection sticker or certificate may be issued for a vehicle of model year 1975 or later subject to the Rampage-Shek Procedures set forth in Section 266.06 if such vehicle has not passed the applicable evaporative system integrity test as not equipped with a properly functioning catalytic converter, fuel inlet restrictor and gas cap contained in this Part.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.402 Low Emissions Tuneups

## a) Minimum Requirements

1) All low emissions tuneups shall include inspection of the following vehicle components or systems:

- A) air filter cleaners elements;
- B) all other intake restrictions;
- C) choke stroke mechanism;
- D) idle speed, ignition dwell, and timing;
- E) air-fuel mixture;
- F) sensors and vacuum hoses;
- G) positive crankcase ventilation (PCV) system;
- H) exhaust gas recirculation (EGR) system;
- I) spark plug wires;
- J) electronic fuel metering and feedback control system;
- K) air pump.

2) Any of the above components or systems which are found to be operating improperly shall be adjusted, repaired, or replaced, as

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appropriate.

3) A low emissions tuneup shall not require a major engine overhaul, including all repairs which require access to the combustion chamber (except for spark plug or fuel injection equipment replacement, as applicable).

By complete replacement of the carburetor and/or injectors, except for repair or replacement of carburetor or injector parts.

## b) Proof of Low Emissions Tuneups

Proof of low emissions tuneups necessary to satisfy the requirements in Section 276.401(b) shall consist of the following:

1) a repair order or receipt(s) provided by the person performing the repairs if the low emissions tuneup was performed by a mechanic; the operator of the vehicle shall submit a receipt to the Agency setting forth the name and address of the mechanic; the date of the repairs tuneup; a certification of the mechanic that all requirements set forth in Section 276.402(a) have been completed; an itemization of all diagnoses, repairs, adjustments, and part replacements; a statement of cost; and the signature of the person mechanic who performed the repairs tuneup.

2) if necessary, a visual inspection of the vehicle to determine if the repairs have actually been performed; and if the low emissions tuneup was performed by the operator of the vehicle or by a person who is not a mechanic, the operator of the vehicle shall submit a statement to the Agency setting forth the name and address of the person who performed the tuneup, the date of the tuneup, a certification by the operator of the vehicle that all requirements set forth in Section 276.402(a) have been completed; an itemization of all repairs, adjustments, and part replacements; a statement of cost; if any, including receipts for all parts purchased; and the signature of the person who performed the repairs.

3) For purposes of certification and documentation requirements in subsections (1) and (2) above, all information requested on the reverse side of the Vehicle Inspection Report must be completed.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## SUBPART E: TEST EQUIPMENT EXHAUST GAS ANALYZER SPECIFICATIONS

## Section 276.501 General Requirements

Compliance with Illinois vehicle exhaust and evaporative emissions standards shall be determined by sampling vehicle exhaust and evaporative emissions with the following: non-dispersive infrared exhaust gas analyzers

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- a) Steady-state idle test equipment meeting the specifications set forth in Sections 276.502 and 276.503.
- b) Evaporative system test equipment meeting the specifications set forth in Section 276.504 if the fuel cap leak flow test is used.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.502 Functional Requirements - Steady-State Idle Test Exhaust Analysis Systems

- a) All exhaust gas analyzers shall be capable of sampling and measuring motor vehicle exhaust concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO[2]) during idle and high-idle vehicle operating conditions.
- b) All exhaust gas analyzers used at Official Inspection Stations shall be capable of performing the following additional functions (this subsection (b) does not apply to testing conducted pursuant to Subpart G -- Fleet Testing Requirements):
- 1) providing providing reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions;
  - 2) providing providing for the automatic selection of the proper emission standard for each vehicle tested;
  - 3) providing providing for an automatic pass/fail determination for each vehicle tested;
  - 4) recording recording of test data in machine-readable (computer) form for subsequent data processing and analysis;
  - 5) providing providing for instantaneous printing of duplicate copies of test results; and
  - 6) providing providing for the following quality assurance/quality control features:

- A) automatic Automatic HC hangup check with purging to begin upon completion of each test;
- B) automatic Automatic zero and electrical span to be conducted prior to each test;
- C) automatic Automatic leak check capability with provisions for weekly checks pursuant to requirements of the U.S. Environmental Protection Agency as set forth in 40 CFR 85, Subpart W; and
- D) automatic Automatic span gas calibration.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.503 Performance Criteria - Steady-State Idle Test Exhaust Analysis Systems

All exhaust gas analyzers shall meet the following criteria:

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- a) Accuracy  
The accuracy of all exhaust gas analyzers shall be within the following limits:
- 1) HC (as hexane): 0 - 400 ppm  $\pm$  12 ppm (parts per million)  
400 - 1000 ppm  $\pm$  30 ppm  
1000 - 2000 ppm  $\pm$  60 ppm  
0-2%  $\pm$  0.06%  
2-5%  $\pm$  0.15%  
5-10%  $\pm$  0.30%  
0-10%  $\pm$  0.5%  
10-14%  $\pm$  0.9%
  - 2) CO:
  - 3) CO[2]:

- b) Response Time  
The response time of all exhaust gas analyzers shall be eight (8) seconds to 90% of the final reading.

- c) Drift  
The zero and span drift of all exhaust gas analyzers shall not exceed  $\pm$  15 ppm HC,  $\pm$  0.1% CO, and  $\pm$  0.5% CO[2], during a one hour period.

- d) Interference Effects  
1) HC measurements shall not deviate more than  $\pm$  10 ppm when sampling the following concentrations of non-interest gases:

- 15% CO[2] in N[2]
- 10% CO in N[2]
- 3000 ppm NO in N[2]
- 10% O[2] in N[2]
- 3% H[2]O vapor in air

- 2) CO measurements shall not deviate more than  $\pm$  0.05% when sampling the following concentrations of non-interest gases:

- 15% CO[2] in N[2]
- 1600% ppm HC in N[2]
- 3000 ppm NO in N[2]
- 10% O[2] in N[2]
- 3% H[2]O vapor in air

- 3) CO[2] measurements shall not deviate more than  $\pm$  0.5% when sampling the following concentrations of non-interest gases:

- 1600% ppm HC in N[2]
- 10% CO in N[2]
- 3000 ppm NO in N[2]
- 10% O[2] in N[2]
- 3% H[2]O vapor in air

- e) Sensitivity  
The sensitivity of all exhaust gas analyzers shall be 1 ppm HC, 0.01% CO, and 0.01% CO[2].

- f) Repeatability  
The repeatability of all exhaust gas analyzers shall be within  $\pm$  10 ppm HC,  $\pm$  0.5% CO, and  $\pm$  0.2% CO[2], during 5 successive measurements of the same sample.

- g) Range of Measurement



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All exhaust gas analyzers shall have a range of 0 - 2000 ppm HC, 0 - 10% CO, and 0 - 16% CO<sub>2</sub>.

## h) Temperature Operating Range

All exhaust gas analyzers shall conform to all specifications in ambient temperatures of 35 to 110 degrees Fahrenheit.

## i) Temperature Stability

With gas calibrated at 75 degrees Fahrenheit, full scale (FS) error of all exhaust gas analyzers shall not exceed  $\pm 4\%$  within an operating range of  $\pm 55$  degrees Fahrenheit to  $\pm 95$  degrees Fahrenheit, with no adjustments other than adjustments for zero and mechanical span.

## j) Humidity Operating Range

All exhaust gas analyzers shall conform to all specifications from 0% to 85% relative humidity.

## k) Calibration

All exhaust gas analyzers shall have the capability of electronic and gas calibration.

## l) Flow Restriction Indication

All exhaust gas analyzers shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with visual and/or audible warning that the sample flow is not within operating limits.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

### Section 276.504 Functional Requirements and Performance Criteria - Evaporative System Integrity Test (Fuel Cap Leak Flow Tester)

Fuel cap leak flow testers (fuel cap testers) used for evaporative system integrity testing shall be:

- easily connected to fuel caps, including those tethered to the vehicle;
- compatible with at least 95 percent of all vehicles required to receive a fuel cap test;
- adaptable as required to test future model year vehicles as they enter the eligible fleet;
- capable of performing the following additional functions (if used at Official Inspection Stations):
  - provide reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions;
  - provide for the automatic selection of the proper fuel cap test equipment (if applicable) for each vehicle tested;
  - provide for an automatic pass/fail determination for each vehicle tested;
- unaffected by atmospheric variation (i.e., barometric pressure, humidity, temperature, etc.). Test accuracy shall be within 2% of stated values from 35 to 120°F;
- limited to a maximum test time of fifteen (15) seconds in duration

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from depression of start-test button to pass/fail determination; capable to be modified, either by the manufacturer or an authorized service center, to test at a revised leakage (flow) rate from that originally shipped.

(Source: Added at 20 Ill. Reg. 8456, effective JUN 14 1996)

## SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

## Section 276.601 Maintenance - Steady-State Idle Test Equipment

All operators of exhaust gas analyzers shall conduct a preventive maintenance and quality control program consisting of the following elements:

- an HC hang-up check conducted ~~checking-procedures~~ prior to each test and after the last test of the day; HC hang-up shall not exceed 20 ppm HC prior to any test;
- visual ~~visual~~ inspection of all equipment prior to the first test of the day;
- performance ~~performance~~ of analyzer preventative maintenance, (e.g., filter replacement, inspection and cleaning of probes, sample lines, water traps, etc.) according to manufacturer's recommended schedules and as needed; and
- all AII calibration and operating procedures specified in Section 276.602~~et~~.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.602 Calibration - Steady-State Idle Test Equipment

a) General Exhaust Gas Analyzer Calibration and Operating Requirements  
All operators of exhaust gas analyzers shall comply with the following calibration and operating procedures, unless alternative procedures have been approved by the Agency:

- exhaust ~~Exhaust~~ gas analyzers shall be warmed up prior to each vehicle inspection, zero check, span check, or calibration. Analyzers shall be considered to be in a warmed-up condition once stabilized zero readings (readings stabilize for one minute within  $\pm 2\%$  of full scale, low range on all three channels) are obtained;
- if the sampling flow restriction indicator is activated during any vehicle inspection, the inspection shall be discontinued. No new inspections shall be performed until necessary repairs to the exhaust gas analyzer have been completed;
- exhaust ~~Exhaust~~ gas analyzers shall be zeroed and spanned within 60 minutes of each vehicle inspection. Ambient air may be utilized as a zero gas. Either electronic or gas spanning may be

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written records of all maintenance and calibration performed on such equipment. Said records shall be kept on site for a period of two years and shall be made available to the Agency upon request.

(Source: Renumbered from Section 276.603 and amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

SUBPART G: FLEET SELF TESTING REQUIREMENTS

Section 276.701 General Requirements

- a) Any owner or lessee of a fleet of 15 or more non-exempt vehicles subject to inspection may apply to the Agency for a permit to establish and operate one or more a Private Official Inspection (Stations Fleet Inspection Permit) (Station-fee-inspection-station).
- b) If a fleet inventory vehicle is tested at an Official Inspection Station pursuant to Section 276.703(a)(3), it shall be required to receive the same emissions tests and receive the same test results as other vehicles tested at an Official Inspection Station, including the evaporative system integrity test in accordance with the provisions of Section 276.205. If a fleet inventory vehicle is tested at a Private Official Inspection Station, it shall receive an exhaust emissions test and a visual functional fuel cap test.
- c) If the Agency substantially amends emissions inspection standards, procedures, or other requirements, it may require emissions inspectors to be re-certified and fleet self-testers to be re-permitted.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.702 Fleet Inspection Station Permit

The Agency shall issue Fleet Inspection Permits ~~fleet-inspection permits~~ to eligible applicants upon a showing of compliance with the following requirements:

- a) Equipment  
All fleet inspections shall be conducted utilizing exhaust gas analyzers and tachometers. Exhaust gas analyzers shall meet the requirements set forth in Section 276.501 and Subpart F.
- b) Training  
Each fleet inspector shall be required to complete and pass a training course given offered by the Agency covering the following topics:
  - 1) I/M rules and regulations;
  - 2) testing test procedures;
  - 3) analyzer Analyzer use;
  - 4) analyzer Analyzer calibration and quality control; and
  - 5) data Beta recording, record keeping and submittal.

Authorization shall require a demonstration of proficiency-based-upon

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- 4) exhaust Exhaust gas analyzers shall be tested for sampling system leaks prior to the first vehicle emissions emission inspection each day. Leak checks and gas span checks may be combined into one operation.
- 5) exhaust Exhaust gas analyzers shall be gas spanned and adjusted (if the analyzer response exceeds  $\pm 2\%$  of span gas value or exceeds .05% CO and 6 ppm HC), prior to the first vehicle emissions emission inspection each day.
- 6) except Except as provided in subsection Section-276-602 (a)(7) of this Section, gas spanning and adjustment shall be performed with a low range gas blend as specified in subsection (b) of this Section: 276-602(b).
- 7) exhaust Exhaust gas analyzers may be gas spanned and adjusted with high range gases provided that analyzers are immediately checked with low range gases to ensure compliance with U.S. Environmental Protection Agency requirements as set forth in 40 CFR 85, Subpart W (1984).
- 8) multi-point Multi-point calibration shall be performed within 30 days of each vehicle inspection; and
- 9) multi-point Multi-point calibration shall be performed following the replacement of any optical or electronic components which may cause variation in measurements, before the next vehicle inspection may be conducted.
- b) Span, Calibration, and Audit Gases  
All gases utilized for exhaust gas analyzer spanning, calibration, and auditing shall be traceable to a National Institute of Standards and Technology (NIST) Bureau of Standards (NBS) gas  $\pm 2\%$ .

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.603 Maintenance and Calibration - Evaporative System Integrity Test (Fuel Cap Leak Flow Tester) Record-Keeping

Relevant parameters of the fuel cap leak flow tester shall be inspected and their pass/fail accuracy shall be verified at the beginning of each operating day and after five hours of use each day. A fuel cap leak flow tester which fails an inspection shall be removed from service until repaired and its accuracy verified.

(Source: Section 276.603 renumbered to Section 276.604 and new Section 276.603 added at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.604 276-603 Record Keeping

All operators of emissions test equipment exhaust-gas-analyzers shall maintain

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Written examination-and-hands-on demonstration:

## c) General Fleet Inspection Permit Requirements

- 1) Fleet Inspection Permits shall expire two years after the date of issuance.
- 2) Fleet Inspection Permits are Permits-shall not be transferable.
- 3) Any change in the name and/or address of any the permittee or any fleet the inspector(s) employed by the permittee shall be reported to the Agency in writing on forms provided by the Agency within 30 days of the change.

4) A separate permit is required for each fleet-

- d) Fleet Inspection Permit Suspension and Revocation  
For the following reasons, the the Agency may suspend for a period of up to two years or revoke, with the permittee being ineligible to reapply for two years, a Fleet Inspection Permit fleet-inspection permit-for-the-following-reasons:

- 1) the the permittee has violated any provision of this rule;
- 2) the the permittee has provided false or misleading information in its application for a Fleet Inspection Permit; Fleet-inspection permit;

- 3) the the permittee has failed to keep proper records as required by the Agency in that:

- i) the the permittee has failed to notify the Agency of a vehicle's emissions test results within 45 days after the date of inspection;

- ii) the the permittee has failed to notify the Agency that a vehicle has been deleted from its vehicle inventory within 60 days after the vehicle's disposal; or

- iii) 20 percent of the vehicles in the permittee's fleet have expired compliance stickers or certificates;

- 4) the the permittee has misrepresented any information provided in fleet vehicle lists, vehicle inspection reports, and/or equipment maintenance and calibration reports;

- 5) the the number of vehicles subject to inspection in the permittee's fleet becomes less than 15.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.703 Fleet Inspection Permittee Station Operating Requirements

## a) Vehicle Eligibility

- 1) The prior-to-any-inspection-the permittee shall furnish the Agency with a list of all vehicles subject to for-which-fleet inspection and for which fleet inspection is requested. The Agency shall provide forms as-required to register-vehicles the permittee for the purpose of establishing a fleet vehicle inventory and requesting vehicle inspection dates. The information shall be submitted to the Agency either on the forms

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supplied, or by electronic media in the format required by the Agency. When the Agency approves or denies the fleet vehicle inspection dates, it shall notify the fleet tester and, if approved, provide test forms to the fleet for submission to the Agency after testing fleet-inspection.

- 2) The permittee shall notify the Agency in writing on forms provided by the Agency or by electronic media in the format required by the Agency in the event that any eligible vehicles in the fleet inventory are sold or otherwise removed from fleet service. This Said notification shall be made within 30 days after of the end of the month date the vehicle is removed from fleet service.

- 3) Unless authorized by the Agency, vehicles contained in the fleet vehicle inventory registered pursuant to subsection Section (a)(7) of this Section shall only be inspected at Private Official Inspection Stations. If authorization is given by the Agency for a vehicle contained in the fleet vehicle inventory to be tested or retested at an Official Inspection Station, any subsequent retests in that vehicle's testing cycle shall be conducted at an Official Inspection Station fleet-inspection stations.

## b) Inspection Frequency, Scheduling

All eligible-fleet-inspection vehicles in the fleet inventory shall be inspected biennially in accordance with the schedule set forth in the vehicle emissions inspection saw-filr-Rev-Stat-1993r-chr-95-1727 par-3A-101-ret-seq-7. Initial inspection-schedule-for-each-eligible vehicle-are-to-be-developed-by-the-permittee-subject-to-Agency approval.

Upon Agency approval, the Assigned Test Months and sticker or compliance certificate expiration inspection dates become compliance deadlines for use in program enforcement. Agency approval shall be based on the availability of personnel to audit the performance of inspections and the ability of the fleet operators to meet the proposed schedule (this will be determined by the number of vehicles to be inspected, exhaust-gas-analyzers-to-be-used, and the number of inspectors available).

## c) Inspection Reports and Stickers or Certificates

- 1) A Vehicle Inspection Report shall be submitted to the Agency for each vehicle that which passes or fails an emissions inspection or qualifies for a waiver. Inspection results shall be reported on forms provided by the Agency. Inspection results shall be submitted to the Agency within 45 days after the date of inspection on-or-before-the-scheduled-compliance-date-for-each vehicle.

- 2) Following review and processing, the Agency shall validate issue inspection stickers or certificates for all vehicles complying with program requirements. If the Agency determines that a vehicle inspection report is deficient, a sticker or certificate



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will not be validated and it shall return the inspection report along with instructions to correct the identified deficiencies.

- 3) The permittee shall be responsible for the security and accountability of all vehicle inspection stickers or certificates issued to the permittee. In the event of lost or stolen stickers or certificates, the permittee shall notify the Agency in writing within ten business days. Failure to report missing stickers or certificates shall be grounds for suspension or revocation of a fleet inspection permit.
- 4) Inspection stickers or certificates shall be displayed or possessed in accordance with Section 276.310 276-309.
- 5) The permittee shall retain a legible copy of each completed Vehicle Inspection Report at the fleet inspection station for a minimum of two years after the date of applicable inspection date. The reports shall be made available for Agency review upon request during normal business hours.

## d) Equipment, Maintenance and Calibration

- 1) All exhaust gas analyzers and tachometers shall be maintained in good working order in accordance with manufacturer's specifications.
  - 2) All exhaust gas analyzers shall be calibrated utilizing manufacturer recommended procedures, and shall be gas spanned pursuant to the procedures set forth in Sections 276.601 and 276.602.
  - 3) The permittee shall keep records of all calibrations, leak checks, and other maintenance performed on emissions inspection equipment for two years. The records shall be retained at the fleet facility.
- All records shall be kept on standardized forms provided by the Agency and shall be made available for Agency review upon request during normal business hours.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.704 Private Official Inspection Fleet Station Auditing and Surveillance Fleet-Vehicle-Inspection-Procedures

The Agency may, on an unscheduled and unannounced basis, during normal business hours, conduct an audit inspection of any at Private Official Inspection Stations fleet-inspection-stations to determine if inspection equipment is properly operating and calibrated, to review vehicle inspection reports and maintenance records, and to check inspector proficiency. During the course of the audit inspection, the Agency representative may take one or more of the following actions:

- a) if an exhaust gas analyzer fails an Agency span gas or leak check, and cannot be repaired or adjusted immediately, the analyzer shall be removed from service until corrective action is taken;

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- b) Any exhaust gas analyzer or calibration gas cylinder not meeting the requirements set forth in Sections 276.601 and 276.602 shall be removed from service until corrective action is taken;
- c) the fleet inspector may be required to perform an emissions inspection on a fleet vehicle. If no fleet vehicles are available, the fleet inspector may be required to perform an emissions inspection on an Agency vehicle.

Fleet-vehicles-shall-be-inspected-in-accordance-with-the-procedures-set-forth in-Section-276-391.

(Source: Section 276.704 repealed and Section 276.705 renumbered to Section 276.704 and amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.705 Fleet Station Auditing and Surveillance (Renumbered)

(Source: Renumbered to Section 276.704 at 20 Ill. Reg. 8456, effective JUN 14 1996)

## SUBPART H: GRIEVANCE PROCEDURE

## Section 276.801 General Requirements

Any person aggrieved by an action or decision regarding the failure of an emissions test or the denial of a waiver as any Agency personnel or any personnel employed by the Agency's contractor in the course of conducting vehicle-emissions-inspections may petition the Agency which will thereupon investigate for assistance in resolving the matter. This grievance procedure is limited to filing a petition concerning a vehicle failing an emissions inspection or being denied a waiver; it shall not be used to grieve an action or decision of Agency or contractor personnel related to any activities other than a vehicle emissions test failure or waiver denial decision.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.802 Procedure for Filing Grievance

- a) Grievances shall be filed with the Agency within 30 ± 5 days after of the decision made by the Agency occurrence-of-the-incident-which precipitated-the-complaint.
- b) Grievances shall be made in writing on forms provided by the Agency.
- c) Grievance forms and instructions shall be available at all Official Inspection Stations and by mail from the Agency.
- d) The information on a grievance form shall include the following:
  - 1) Complainant's name, address and telephone number
  - 2) Year, make, vehicle registration number, state number, and model

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- of complainant's vehicle
- 3) Weight of complainant's vehicle (if relevant);
  - 4) Location of official inspection station where incident which precipitated the complaint occurred;
  - 5) Date and approximate time of occurrence of incident which precipitated the complaint;
  - 6) Name of person taking action or making decision which precipitated the complaint (if known); and
  - 7) Description of incident which precipitated the complaint.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.803 Agency Investigation

- a) The Director of the Agency or the Director's designee shall appoint an Agency employee to investigate every grievance regarding the failure of an emissions test or the denial of a waiver submitted to the Agency in accordance with this Part these rules. In no event shall the person appointed to investigate the grievance be the same person against whom the grievance was directed.
- b) The Agency's investigation shall be concluded within 45 30 days after the receipt of the grievance form.
- c) Within the 45 30 day investigation period, the Agency shall issue written notification to the petitioner, complainant and affected inspector or station to the person against whom the grievance was directed indicating the Agency's determination as to the correctness or incorrectness of the action or decision which precipitated the grievance. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.
- d) The agency's written notification shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determinations.
- e) The Agency's written notification may also include an order directing a State inspector that the complainant's vehicle be issued an emission inspection sticker that the complainant's vehicle be retested that specified emission standards be applied to the complainant's vehicle or that some other action be taken which the Agency deems to be appropriate.
- 1) to issue an emissions inspection sticker or certificate;
- 2) to reinspect the vehicle;
- 3) to apply the standards that the Agency has determined to be applicable; or
- 4) to take any other action that the Agency deems to be appropriate.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

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## Section 276.804 Review of Agency's Determination

The Agency's written determination shall be subject to review in the Circuit Court in accordance with the provisions of the Administrative Review Law (410 Rev. Stat. 1985, ch. 119, par. 3-401 et seq.) (735 ILCS 5/Art. III).

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## SUBPART I: NOTICES

## Section 276.901 General Requirements

The When appropriate, the Agency shall send an Initial Emissions Inspection Notice and, when appropriate, a Warning Notice the following notices to owners of vehicles subject to inspection which shall state the Assigned Test Month of the initial emissions inspection and be accompanied by a clear statement from the Agency that, based on vehicle records, the vehicle is subject to inspection under the Vehicle Emissions Inspection Law. A form accompanying the explanation will be provided to the vehicle owner to allow for correction of any information relied upon by the Agency.

- a) Initial Notice;
- b) First Warning Notice; and
- c) Second Warning Notice.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

## Section 276.902 Initial Emissions Inspection Notice

At least 15 days prior to the beginning of the Assigned Test Month, date on which a vehicle is to be inspected for the first time, the Agency shall send an Initial Emissions Inspection Notice to the registered owner (or one of the registered owners, if more than one) the vehicle requesting that the vehicle be tested during the Assigned Test Month. This said Initial Emissions Inspection Notice shall include the following information:

- a) an Initial Emissions Inspection Inspection Sticker or Certificate, or a Corrected or Interim Emissions Inspection Sticker or Certificate, if required;
- b) addresses and operating hours Maps of locations of all Official Inspection Stations;
- c) a form or card to be returned to the Agency indicating the reasons the owner believes that the vehicle should not be subject to inspection pursuant to the Vehicle Emissions Inspection Law or cannot comply by the expiration date Return card to correct mistaken vehicle information;
- d) brief Brief explanation of program; and
- e) instructions Instructions for vehicle inspections and

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vehicle's Assigned Test Month, or are permanently located in such other jurisdiction, must be tested in that jurisdiction and comply with such jurisdiction's emissions testing requirements and the vehicle's registered owner must comply with the following requirements:

- a) upon written notification from the Agency to the vehicle's registered owner (or one of the registered owners, if more than one) to have the vehicle inspected, the vehicle must be presented for inspection in the jurisdiction where the vehicle is located;
- b) when the vehicle passes the inspection, receives a waiver or exemption, or otherwise complies with the emissions inspection requirements of the jurisdiction in which the vehicle is located, the vehicle inspection report or other appropriate documentation must be forwarded to the Agency at the address stated on the vehicle emission inspection notice; and
- c) when the Agency receives the appropriate vehicle inspection report or other documentation, the vehicle inspection record will be updated to reflect compliance.

(Source: Added at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.1002 Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle Emissions Inspection and Located in an Affected County

Vehicles which are registered in another jurisdiction which requires vehicle emissions testing, and which are located and being primarily used in an Affected County, may be tested at an Official Inspection Station in accordance with the following:

- a) upon a written request for an emissions inspection by the vehicle's registered owner to the Agency, the Agency shall request appropriate vehicle and owner information necessary for testing;
- b) if upon review the Agency determines the vehicle is eligible to receive an emissions inspection, the Agency shall notify the vehicle's registered owner or one of the registered owners, if more than one, authorizing the vehicle to be tested at an Official Inspection Station; and
- c) after the vehicle has received an emissions inspection, the appropriate test results will be issued to the vehicle's registered owner for submission to the jurisdiction requiring emissions inspections and a sticker or certificate will be issued as appropriate.

(Source: Added at 20 Ill. Reg. 8456, effective JUN 14 1996)

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† Days-and-hours-of-operation-of-Official-Inspection-Stations- (Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.903 First Warning Notice

If a vehicle has not complied with the provisions of the Vehicle Emissions Inspection Law or the Vehicle Emissions Inspection Law of 1995, as applicable, within two months before the sticker or certificate expiration date of the end of its assigned test month, the Agency shall send a First Warning Notice to the vehicle's owner at the registration address currently on file with the Agency. The said First Warning Notice shall include the following information:

- a) the addresses addresses of Official Inspection Stations near the registration address of the vehicle;
- b) a form or card to be returned to the Agency indicating the reasons if the owner believes that the vehicle should not be subject to inspection under the Vehicle Emissions Inspection Law or cannot comply by its expiration date; program and
- c) a statement of potential penalties for failure to comply with the requirements of the Vehicle Emissions Inspection Law, the Vehicle Emissions Inspection Law of 1995, or this Part, as applicable.

(Source: Amended at 20 Ill. Reg. 8456, effective JUN 14 1996)

Section 276.904 Second Warning Notice (Repealed)

If a vehicle has not complied with the provisions of the Vehicle Emissions Inspection Law by the end of the second month after the assigned test month, the Agency shall send a Second Warning Notice to the vehicle owner. Said Second Warning Notice shall include the following information:

- a) information as described in Section 276.903; and
- b) a statement that failure to comply with provisions of the Vehicle Emissions Inspection Law will result in an Agency report to the Secretary of State.

(Source: Repealed at 20 Ill. Reg. 8456, effective JUN 14 1996)

SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

Section 276.1001 Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection

Vehicles which are registered in the Affected Counties are located and being primarily operated in other jurisdictions requiring vehicle emission testing, and will not be returning to an Affected County within 7 months after the



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1) Heading of Part: Uniform Medical Claim and Billing Forms

2) Code Citation: 50 Ill. Adm. Code 2017

3) <u>Section Number:</u>	<u>Adopted Action:</u>
2017.20	Amended
2017.30	Amended
2017.40	Amended
2017.50	Amended
2017.60	Amended
2017.70	Amended

4) Statutory Authority: Implementing and authorized by Section 143.31 of the Illinois Insurance Code [215 ILCS 5/143.31].

5) Effective Date of amendment: June 5, 1996

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 5, 1996

9) Notice of Proposal Published in Illinois Register: September 1, 1995, 19 Ill. Reg. 12423

10) Has JCAR issued a Statement of Objections to this? No

11) Difference(s) between proposal and final version:

a) Line 29, restore stricken language following "a health plan".

b) Line 135, delete "Health care practitioners that bill patients directly shall provide a properly completed HCFA Form 1500 in addition to any other explanatory information used to bill the patient when requested by the patient".

c) Line 167, delete "Institutional health care providers that bill patients directly shall provide a properly completed UB92 HCFA Form 1450 in addition to any other explanatory information used to bill the patient when requested by the patient".

d) Line 191, delete "CDT-1".

e) Line 193, delete "Dentists that bill patients directly shall provide a properly completed J510/J511/J512 Form in addition to any other form used to bill the patient when requested by the patient".

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f) Line 214, delete ":" and "l)" after "shall" and restore lower case "use".

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There has been no agreement between the Department and JCAR regarding second notice.

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: Upon the effective date of this Part, providers as defined in this Part, are required to use uniform claim and billing forms as defined in this Part.

16) Information and questions regarding this adopted amendment shall be directed to:

Mary Petersen  
Department of Insurance  
320 West Washington  
Springfield, IL 62767-0001  
(217) 524-4051

The full text of the Adopted amendment begins on the next page.

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TITLE 50: INSURANCE  
 CHAPTER 1: DEPARTMENT OF INSURANCE  
 SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

## PART 2017

## UNIFORM MEDICAL CLAIM AND BILLING FORMS

Section	Purpose
2017.10	Applicability and Scope
2017.20	Definitions
2017.30	Requirements for Use of HCFA Form 1500
2017.40	Requirements for Use of UB92/HCFA Form 1450
2017.50	Requirements for Use of J510/J511/J512 Form
2017.60	General Provisions
2017.70	

AUTHORITY: Implementing and authorized by Section 143.31 of the Illinois Insurance Code [215 ILCS 5/143.31].

SOURCE: Adopted at 8 Ill. Reg. 12777, effective August 9, 1994; amended at 20 Ill. Reg. 8497, effective JUN 05 1996.

## Section 2017.20 Applicability and Scope

- a) Except as otherwise specifically provided, the requirements of this Part apply to health plans, health care practitioners and institutional health care providers ~~issuers~~.
- b) A health plan ~~An-issuer~~ or provider of health care treatment shall not refuse to accept a claim or bill submitted on the uniform claim and billing forms defined in Section 2017.30 of this Part. ~~An-issuer, however, may accept--claims-and-bills-submitted-on-any-other-forms~~
- c) The adoption of uniform claim forms and uniform billing forms by the Director under this Part does not preclude a health plan ~~an-issuer~~, hospital, medical, or dental service corporation, or other prepayment organization from obtaining any necessary additional information regarding a claim from the claimant, provider of health care or treatment, or certifier of coverage, as may be required.

(Source: Amended at 20 Ill. Reg. 8497, effective JUN 05 1996.)

## Section 2017.30 Definitions

## As-used-in-this-Part:

CDT Codes means the current dental terminology prescribed by the American Dental Association.

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CPT Codes means the current procedural terminology published by the American Medical Association.

HCFA means the Health Care Financing Administration of the U.S. Department of Health and Human Services.

HCFA Form 1500 means the current health insurance claim form published by HCFA, or its revision following the effective date of this Part, for use by health care practitioners.

HCPCS Codes means the HCFA's Common Procedure Coding System that is based upon the current American Medical Association's (AMA) Physician Current Procedural Terminology.

HCPCS Level 1 Codes means the AMA's current CPT codes with the exception of anesthesiology services.

HCPCS Level 2 Codes means the codes for physician and non-physician services that are not included in current CPT.

## Health Care Practitioner means:

A chiropractor licensed under the Medical Practice Act of 1987 [225 ILCS 60] to treat human ailments without the use of drugs and without operative surgery.

A dentist licensed under the Illinois Dental Practice Act [225 ILCS 25].

A nurse licensed under the Illinois Nursing Act of 1987 [225 ILCS 65].

An occupational therapist licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75].

An optometrist licensed under the Illinois Optometric Practice Act of 1987 [225 ILCS 80].

A pharmacist licensed under the Pharmacy Practice Act of 1987 [225 ILCS 85].

A physical therapist licensed under the Illinois Physical Therapy Act [225 ILCS 90].

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

A podiatrist licensed under the Podiatric Medical Practice Act

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of 1987 [225 ILCS 100].

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15].

A social worker licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

A speech-language pathologist and/or audiologist licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

Other Health Care Practitioners licensed by the Illinois Department of Professional Regulation.

A supplier of health care services not described herein, including but not limited to a physician assistant, nurses aide, or supplier of durable medical equipment.

Health Plan means an insurance company, fraternal benefit society, dental service plan, limited health service organization, pharmaceutical service plan, vision service plan, voluntary health services plans, health maintenance organization, workers' compensation insurance, third party administrator, third party prescription program administrator, and any other entity paying or reimbursing the costs of health care expenses.

ICD-CM Codes means the disease codes in the current International Classification of Diseases, clinical modifications published by the U.S. Department of Health and Human Services.

Institutional Health Care Provider means:

Ambulatory Surgical Treatment Center licensed under the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

Home Health Agency licensed under the Home Health Agency Licensing Act [210 ILCS 55].

Hospice licensed under the Hospice Program Licensing Act [210 ILCS 60].

Hospital licensed under the Hospital Licensing Act [210 ILCS 85].

Skilled Nursing and Intermediate Care Facility licensed under the Nursing Home Care Act [210 ILCS 45].

Trauma Center licensed under the Emergency Medical Services

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(EMS) Systems Act [210 ILCS 50].

Other Institutional Health Care Providers licensed by the Illinois Department of Public Health.

~~Issuer means an insurance company, fraternal benefit society, health care service plan, health maintenance organization, and third-party administrator, and any other entity paying or reimbursing the costs of health care expenses.~~

J510, J511 or J512 Form means the current uniform dental claim form or its revision following the effective date of this Part, approved by the American Dental Association for use by dentists.

Medicare means the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

Medical Assistance or Medicaid means Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.) as then constituted or later amended.

Revenue Codes means the current codes established for use by institutional health care providers by the National Uniform Billing Committee and the Illinois Uniform Billing Committee.

UB92/HCA Form 1450 means the current health insurance claim form, or its revision following the effective date of this Part, developed by the National Uniform Billing Committee for use by institutional health care providers.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective JUN 05 1996 )

8497

# Section 2017.40 Requirements for Use of HCA Form 1500

- a) Health plans ~~issuers~~ shall accept an appropriately completed HCA Form 1500 from health care practitioners. Health care practitioners, other than dentists, shall use the HCA Form 1500 when filing claims with health plans for professional services.
- b) Health plans ~~issuers~~ shall not require health care practitioners to use any coding system for the filing of claims for health care services other than the following:
  - 1) current HCPCS Codes or current CPT Codes;
  - 2) current ICD-CM Codes; and
  - 3) For anesthesia services, current HCPCS Level 1 Codes.
- c) Health plans ~~issuers~~ shall not require health care practitioners to use any other descriptor with a code or to furnish additional



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information with the submission of an HCFA Form 1500 except under the following circumstances:

- 1) When the procedure code used describes a treatment or service that is not otherwise classified; or
- 2) When the procedure code is followed by the CPT modifier 22, 52 or 99. Health care practitioners may use Box 19 of the HCFA Form 1500 to explain multiple modifiers.
- d) Health care practitioners may use Box 19 of the HCFA Form 1500 to indicate the form is an amended version of a form previously submitted to the health plan ~~issuer~~ by inserting the word "amended" in the space provided.
- e) Health care practitioners billing for services based on the amount of time involved shall define in Box 19 the time interval in Box 24 G of the HCFA Form 1500. If not defined, units will be assumed to be days of treatment.

(Source: Amended at 20 Ill. Reg. 8497, effective JUN 05 1996)

## Section 2017.50 Requirements for Use of UB92/HCFA Form 1450

- a) Institutional health care providers shall use the UB92/HCFA Form 1450 when filing claims with health plans for health care services.

b) Health plans ~~issuers~~ shall accept the UB92/HCFA Form 1450 from institutional health care providers when completed in accordance with instructions provided by the National Uniform Billing Committee and the Illinois Uniform Billing Committee.

- c) Health plans ~~issuers~~ shall not require institutional health care providers to use any coding system for the filing of claims for health care services other than the following:

- 1) ICD-CM Codes;
- 2) Revenue Codes;
- 3) HCPCS Codes or CPT Codes.

The ICD-CM Codes, Revenue Codes, HCPCS and CPT Codes must be used in accordance with the instructions provided by the National Uniform Billing Committee and the Illinois Uniform Billing Committee.

- d) Institutional providers may use the HCFA Form 1500 to supplement a UB92/HCFA Form 1450 if necessary.

(Source: Amended at 20 Ill. Reg. 8497, effective JUN 05 1996)

## Section 2017.60 Requirements for Use of J510/J511/J512 Form

- a) Dentists shall use the J510/J511/J512 Form and instructions provided by the American Dental Association for use of the J510/J511/J512 Form for filing claims with health plans for professional services.

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b) Health plans ~~issuers~~ shall accept the J510/J511/J512 Form from dentists when completed in accordance with instructions provided by the American Dental Association.

- c) Health plans ~~issuers~~ shall not require a dentist to use any code other than the CDT codes for the filing of claims for dental care services or to routinely furnish additional information with the submission of a J510/J511/J512 Form, unless the use of supplemental codes is defined and permitted in a written contract between the issuer and dentist.

(Source: Amended at 20 Ill. Reg. 8497, effective JUN 05 1996)

## Section 2017.70 General Provisions

- a) Nothing in this Part shall preclude the filing of a claim electronically.

b) Health plans ~~issuers~~ shall accept forms submitted in compliance with this Part for the processing of claims.

- c) Health care practitioners, institutional health care providers and health plans ~~issuers~~ ~~if using the forms referenced in this Part~~ shall use and accept the most current editions of the HCFA Form 1500, UB92/HCFA Form 1450 or J510/J511/J512 Form.

(Source: Amended at 20 Ill. Reg. 8497, effective JUN 05 1996)

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1) Heading of the Part: Appeals and Hearings

2) Code Citation: 89 Ill. Adm. Code 510

3) Section Numbers: Adopted Action:

510.5 Amendments  
510.10 Amendments  
510.20 Amendments  
510.30 Amendments  
510.40 Amendments  
510.60 Amendments  
510.70 Amendments  
510.80 Amendments  
510.90 Amendments  
510.100 Amendments  
510.105 Amendments  
510.110 Amendments  
510.120 Amendments

4) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

5) Effective Date of Rulemaking: June 17, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 17, 1996

9) Notice of Proposal Published in Illinois Register: February 23, 1996, 20 Ill. Reg. 3480

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Sections 510.70 and 510.120 are being amended to clarify at what points decisions rendered as a result of grievances become final. Amendments are being made to other Sections to

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change "client" to the preferred term, "customer".

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Susan Warner, Manager  
Regulations and Rehabilitation Services  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, IL 62794-9429  
(217) 785-3896  
TTY: (217) 785-9301

The full text of the Adopted Rule begins on the next page:

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TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

## PART 510

## APPEALS AND HEARINGS

Section	Scope and Purpose
510.5	General Information
510.10	What May Be Appealed
510.20	What May Not Be Appealed
510.30	Grievant Rights
510.40	DORS' Rights
510.50	Service Notice
510.60	Level I Hearings
510.70	Level II Hearings
510.80	Hearings Officers
510.90	Conduct of Level I Hearings
510.100	Conduct of Level II Hearings
510.105	Director's Review
510.110	Exhaustion of Administrative Remedies

AUTHORITY: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted and codified at 7 Ill. Reg. 5230, effective April 1, 1983; amended at 7 Ill. Reg. 14526, effective October 19, 1983; amended at 9 Ill. Reg. 12325, effective July 30, 1985; peremptory amendment at 11 Ill. Reg. 6563, effective March 31, 1987; Part repealed, new Part adopted at 13 Ill. Reg. 15769, effective September 26, 1989; amended at 16 Ill. Reg. 8537, effective May 20, 1992; emergency amendment at 17 Ill. Reg. 11608, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 24296, effective November 15, 1993; amended at 20 Ill. Reg. 8503, effective

JUN 17 1996

## Section 510.5 Scope and Purpose

- a) This Part governs the appeals process for customers' efforts of the Department of Rehabilitation Services (DORS). This Part covers hearings of grievances under various DORS programs. Therefore, care must be taken to read this Part in its entirety for exceptions to general provisions for specific types of hearings.
- b) The Level I hearing is the first step in the appeals process and is designed to provide a customer effort with a prompt informal review of a determination made in furnishing or denying of services to the grievant. The Level I hearing may result in a mutual resolution of

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the grievances. If no resolution is reached within the applicable time frames, the Level I Hearing Officer issues a brief written decision which is binding on DORS. If dissatisfied with that decision, the grievant may request a Level II hearing so that his/her grievance may be considered.

- c) The Level II hearing is an appeal of a determination made by a counselor or other DORS officer or employee concerning the furnishing or denial of services or other appealable issues as listed in Section 510.20. If the grievant is a customer effort of the Vocational Rehabilitation (VR) Program or a vendor in the Vending Facilities Program for the Blind, the Level II hearing may be the first step in the appeals process (see Section 510.10(b)).
- d) The Level II hearing is a de novo adjudicatory proceeding which is conducted by an Impartial (Level II) Hearing Officer. The Level II Hearing Officer is responsible for considering the testimony and evidence presented by the grievant, or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer effort, and representatives of DORS, and making a decision based upon the evidence and applicability of federal and State law and regulation. The Level II Hearing Officer's decision is final, but subject to review by DORS' Director (see Section 510.110) after notice to the grievant, who will be given an opportunity to submit additional evidence and information relevant to the decision.
- e) The Level II decision or Director's Review decision may be reviewed in court.
- f) The grievant and DORS may informally agree to resolve disputed issues at any time during the appeal process prior to the issuance of a Level II hearing decision.

(Source: Amended 20 Ill. Reg. 8505, effective

JUN 17 1996)

## Section 510.10 General Information

- a) Definitions  
 For the purposes of this Part, the following terms shall have the following meanings:

"Customer" effort means any individual who has requested, been referred to, applied for, or is receiving services from DORS (except from the Bureau of Disability Determination Services), or as appropriate a parent, family member, guardian, advocate or duly authorized representative of the customer effort.

"Days" unless otherwise specified, means working days, i.e., Mondays through Fridays, excluding state established holidays or days on which government offices are closed by order of the Governor.



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"Director" means the Director of DORS.

"DORS" means the Department of Rehabilitation Services and does not include any contractor, grantee, nominee agency, or service provider.

"Grievant" means any customer client; any person who has been determined by DORS to have misspent funds, as specified in 89 Ill. Adm. Code 527: Recovery of Misspent Funds; or licensed vendor, as specified in 89 Ill. Adm. Code 650: Vending Facilities Program for the Blind who has been aggrieved by any action or inaction by DORS.

"Hearings Coordinator" means DORS' Manager - Division of Regulations and Procedures, who is responsible for communicating with grievants about their appeal requests, docketing and scheduling Level I hearings, and coordinating the appointment of Level II Hearing Officers.

"Inaction" means the failure of DORS to act within 60 calendar days on a referral of any individual for services or on a request for any change in service or to make an eligibility determination for a customer client who has applied for services within the time lines specified for the program to which he/she has applied or upon an application for services.

"Level I hearing" means a hearing at the first level of appeal by a grievant, as set forth in Section 510.70 and presided over by a Level I Hearing Officer.

"Level I Hearing Officer" means the DORS employee who conducts the Level I hearing as set forth in Section 510.90(a).

"Level II hearing" means a hearing at the second level of appeal by a grievant, as set forth in Section 510.80 and presided over by a Level II Hearing Officer.

"Level II Hearing Officer" means an Impartial Hearing Officer selected to conduct the Level II Hearing as set forth in Section 510.90(b).

"Personal representative" means an attorney, CAP representative or other individual designated by a grievant to act on the grievant's behalf in the proceedings contained in this Part, as set forth in subsection (b)(4) of this Section and Section 510.100(c).

"Schools" means the three schools operated by DORS: Illinois Center for Rehabilitation and Education-Roosevelt (formerly known as the Illinois Children's School and Rehabilitation Center), the Illinois School for the Deaf, and the Illinois School for the Visually Impaired.

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"Services" means services provided directly or purchased by DORS as set forth in 89 Ill. Adm. Code: Chapter IV, Subchapters b, Vocational Rehabilitation (VR), c, Vocational Related Programs, d, Home Services Program (HSP), e, Community and Residential Services for the Blind and Visually Impaired (CRSBVI) and h, Total Life Planning.

"Working Days" means Mondays through Fridays, excluding state established holidays or days on which government offices are closed by order of the Governor.

## b) General Provisions

1) A grievant who is not satisfied with an action taken by DORS, or with the failure of DORS to take action, is entitled to a Level I hearing.

2) If the grievant is a customer client of the VR Program or a licensed vendor in the Vending Facilities Program for the Blind, a Level I hearing is optional. These grievants have the right to request that the grievance first be heard at a Level II hearing.

3) Any and all notices and communications to DORS made pursuant to this Part should be in writing. Nonwritten communications will be accepted if the information required in subsection (7), below, is provided. All nonwritten communications shall be documented by DORS.

4) A grievant may appoint a personal representative in accordance with Section 510.40(e)(2), who may exercise any right of the grievant on the grievant's behalf. A grievant may only designate one personal representative at a time. The designation must be in writing.

5) All time periods related to communications arising under this Part commence on the date of receipt (receipt is presumed 5 days from the date of postmark or on the day of delivery for hand delivered items), or, if a non-written form of communication, on the date of receipt.

6) An appeal by any person not a "grievant" cannot be heard by DORS pursuant to this Part.

7) The request for an appeal should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested, and specific identification of any other matter that is being appealed, but if this information is not readily available to the grievant, the grievant must supply sufficient information for DORS to identify the specific action or inaction that is being appealed.

8) Should a grievant improperly request an appeal and other procedures for appeal are available, DORS will advise the grievant of the proper appeal process.

9) Failure of a grievant to follow procedures as set forth in this Part or failure to request an appeal within the specified time frames shall result in dismissal of the appeal except if the

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failure to follow procedure was a result of DORS failure to provide required notice or information.

- 10) DORS, and the Department of Public Aid in the case of HSP Level II hearings, will assume all administrative costs of the appeal (i.e., interpreters, pursuant to Section 510.40 (b), and record, pursuant to Section 510.80(f)) but will not assume cost personally incurred by the grievant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1996)

## Section 510.20 What May Be Appealed

The following may be appealed under this Part:

- a) DORS' refusal to provide any service which it is authorized to provide;
- b) modification of any service currently provided to the customer entire by DORS, termination of a service or case closure, unless agreed upon by the customer entire and DORS;
- c) a determination that a customer entire is ineligible for services;
- d) issues related to sex equity and DORS schools, set forth in 89 Ill. Adm. Code 929;
- e) refusal of the schools to permit modifications to a student's records, set forth in 89 Ill. Adm. Code 765.60(a)(1);
- f) collection of misspent funds, set forth in 89 Ill. Adm. Code 527;
- g) inaction of DORS employees as defined in Section 510.10;
- h) dissatisfaction of a licensed vendor in the Vending Facilities Program for the Blind with any action of DORS arising from the administration of the Vending Facilities Program for the Blind;
- i) dissatisfaction of a customer entire of the CRSBVI program; and
- j) matters concerning the conduct of customers entire in the adult residential training program for individuals with visual disabilities, as set forth in 89 Ill. Adm. Code 730, Subpart D.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1996)

## Section 510.30 What May Not Be Appealed

The following may not be appealed under this Part:

- a) changes in services or procedures over which DORS exercises no discretion or control;
- b) changes in services or procedures which are mandated by federal or state law or regulation;
- c) failure to provide services which DORS, in accordance with federal or state law, regulations, and the State VR Plan or other plans submitted to the federal government by DORS as a condition of receiving federal

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funding cannot provide;

- d) the establishment of, and provisions contained in, an Individualized Educational Program (IEP) and other matters as governed by 89 Ill. Adm. Code: Chapter IV, Subchapter f (Educational Facilities), except as set forth in Section 510.20 (d) and (e);
- e) all recommendations for decisions and procedures for the adjudication of benefits under the federal Social Security Act which are made by DORS under its authority from the United States Department of Health and Human Services, Social Security Administration, as set forth in 89 Ill. Adm. Code: Chapter IV, Subchapter g (Bureau of Disability Determination Services);
- f) issues related to the legality of DORS' rules;
- g) discipline of a vendor under the Vending Facilities Program for the Blind, as set forth in 89 Ill. Adm. Code 650;
- h) student discipline, as set forth in 89 Ill. Adm. Code 827;
- i) DORS findings relating to the evaluation of rehabilitation facilities, as set forth in 89 Ill. Adm. Code 530, Subpart A;
- j) a grievance which has already been decided through the appeal process as set forth in this Part;
- k) an action taken by DORS which does not affect the grievant (e.g., a customer entire wishing to appeal DORS terminating sponsorship of another customer entire in training for failing to maintain the grade point average required in 89 Ill. Adm. Code 592.80);
- l) a grievance filed under the Americans with Disabilities Act (42 U.S.C. 12101); and
- m) an appeal of a requirement to have a Teletypewriter/Telephone Device for the Deaf (TTY/TDD) as a condition of a contract.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1996)

## Section 510.40 Grievant Rights

- a) DORS must make the grievant aware, in a language that is understandable to the grievant, of the right to appeal pursuant to this Part, at the following times or events:
  - 1) upon application for services;
  - 2) upon denial of application;
  - 3) after the initiation, or change, of services;
  - 4) upon termination of a service;
  - 5) upon closure;
  - 6) after a determination that funds have been misspent;
  - 7) upon enrollment in a DORS school; and
  - 8) upon entrance into the Vending Facilities Program for the Blind.

- b) The grievant may request an interpreter or reader, either sign (if the grievant relies on sign-language as his/her usual mode of communication) or language (if the grievant's normally spoken language is other than English), to attend the hearing. A visually impaired

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grievant may either request a reader to read materials provided by DORS in preparation for the hearing or request that the materials be provided in Braille, large print or audio tape. The request must be made within 2 working days of being informed of their rights under this Part, which should occur when the appeal is requested.

- c) All meetings with the grievant pursuant to this Part must occur at a time and location convenient to both parties.
- d) If the grievant is a customer client of the VR Program (89 Ill. Adm. Code: Chapter IV, Subchapter b), HSP (89 Ill. Adm. Code: Chapter IV, Subchapter d), CRSBVI program, or the adult training program for persons with visual disabilities (89 Ill. Adm. Code: Chapter IV, Subchapter e), the grievant may have the right to the assistance of DORS' Client Assistance Program (CAP) in the preparation, presentation and representation of the matters to be heard. DORS must inform the customer client of this right at the time of request for services, application and referral for services and at service initiation or modification, and at closure, as well as when the grievant requests a hearing.
- e) After a request for a hearing is received by DORS, the grievant will be provided with written notification of his/her right to:
- 1) review the case file and other related documents;
  - 2) be represented by a personal representative at a Level I hearing in accordance with Section 510.100(c) or at a Level II hearing by filing an appearance with the Hearings Coordinator, pursuant to Section 510.105(c);
  - 3) an explanation of the appeal process as set forth in this Part;
  - 4) decline to appear for a Level I or II hearing, in which case a review of the case file and any new evidence or information submitted by the grievant will be examined and a decision made based on that review by the Hearing Officer;
  - 5) withdraw the appeal at any time during the process, in which case the grievant cannot request a reopening of the appeal;
  - 6) a timely and impartial hearing;
  - 7) confidentiality of these proceedings, as set forth in 89 Ill. Adm. Code 505.10 and pursuant to either subsection 510.100(a) or 510.105(a);
  - 8) a continuation of services, as set forth in Section 510.60 (e); and
  - 9) have DORS employees involved in the appealed action present at the hearing, and to question them, with the exception listed in Sections 510.100(e)(4) and 510.105(g)(2).

(Source: Amended at 20 Ill. Reg. effective  
JUN 17 1992)

## Section 510.60 Service Notice

- a) This Section applies to VR and HSP customers clients only.

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- b) When an individual applies for VR or HSP services from DORS, the individual must be informed that DORS notifies customers clients whenever it denies, modifies or terminates a service or services, if not mutually agreed upon; and of the right to action within 60 calendar days from request for an application. DORS must send the customer client a service notice at least 15 working days before the effective date of the action.
- c) Any action mutually agreed upon must be so documented in the customer's client's case file.
- d) The service notice must:
- 1) contain the name, address and telephone number of the person to whom the request for the Level I hearing must be made (the supervisor of the staff who made the decision being appealed, or if that person was involved in the decision, that person's supervisor);
  - 2) outline the action;
  - 3) state the basis for the action;
  - 4) give the effective date of the action; and
  - 5) inform the customer client of the right to a Level I hearing in the matter or that if a customer client of the VR Program chooses, he/she may proceed to Level II, and of the specific means of initiating the Level II hearing.
- e) For issues related to the disposition of services during the hearing process, the customer client must also be advised that DORS will continue to provide the disputed services until DORS final decision has been rendered unless the services being provided were obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the customer client; the service has been planned but not commenced; or the customer client, or as appropriate, the customer's client's parent, family member, guardian, advocate or duly authorized representative, requests the service be terminated. Continuances in the proceeding shall not be issued for the purpose of extending services.
- f) A service which is the subject of an appeal will not continue if the change is:
- 1) initiated by the customer client;
  - 2) unilaterally initiated by a service provider other than DORS;
  - 3) planned or authorized, but not commenced; or
  - 4) contraindicated on the basis of medical or psychological information contained in the customer's client's case record.
- g) In no event will a disputed service continue past the planned ending date on the INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM (IWRP) for VR and CRSBVI customers clients, or 100 days from the date of the service notice for HSP customers clients. For HSP customers clients, the length of time for any delay or continuance caused or requested by DORS, DPA, or made by mutual agreement, will be added to the 100 day period during which services will continue. Any delays or continuances caused or requested by a grievant will not extend this



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period.

(Source: Amended at 20 Ill. Reg. **8505**, effective **JUN 17 1996**)

## Section 510.70 Level I Hearings

a) A grievant may request a Level I hearing by asking DORS (e.g., counselor, supervisor, etc.) or by filling out a REQUEST FOR HEARING (IL 488-1948) and submitting it to DORS.

b) A grievant must request a Level I hearing within the following time limits:

- 1) for grievances relating to the VR Program or HSP, the request for a Level I hearing must be received within 15 working days of receipt of any written notice. Requests for hearings for grievances of issues for which notice has not been sent (e.g., DORS inaction) must be received within 15 working days of the date the grievant knew, or should have known, of the issue being grieved or 20 working days from the date of the postmark on the notice, if the customer attest was informed by mail;
- 2) for grievances relating to bidding for an available vending facility location (89 Ill. Adm. Code 650.600), the request must be made within 5 working days of the date of receipt of the notice of selection by the grievant;
- 3) for grievances relating to the conduct of a customer attest of the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the grievant learns of the disciplinary action imposed; or
- 4) for grievances related to misspent funds, the grievant may request a hearing within 15 working days of the receipt of the written notice of intended recovery.

c) A request by a grievant of the VR Program for a Level I hearing signifies agreement to an extension of the federally mandated time period of 45 calendar days for the conclusion of a Level II hearing which times shall commence on the date the Level II hearing is requested.

d) The Level I hearing must be scheduled for between 10 and 15 working days of the date of receipt of the request for the hearing at a time and date convenient to all parties. The grievant must be informed in writing by the Level I Hearing Officer, within 5 working days of receiving the request, of the date, time, location, name, address and telephone number of the Level I Hearing Officer, and of all rights accorded under this Part. The Level I hearing shall be held in the local DORS facility unless, in the request, the grievant indicates that, due to his/her disability, he/she cannot attend at the local DORS facility. If the grievant cannot attend the Level I hearing in the local DORS facility, the hearing shall be held in the grievant's home.

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e) If the grievance pertains to the conduct of a customer attest in the adult residential training program for persons with visual disabilities, the hearing must be scheduled between 3 and 5 working days after the date of receipt of request for the hearing. The grievant must be informed by the Level I Hearing Officer, within 2 working days after receiving the request for the Level I hearing, of the name and address of the Level I Hearing Officer, and of all rights accorded the grievant under this Part.

f) Within 10 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall send the decision, in writing, to the grievant, or as appropriate, the parent, family member, guardian, advocate or duly authorized representative, and DORS Hearings Coordinator. The decision must contain:

- 1) a statement of the basis upon which the decision was made;
- 2) the applicable laws and policies used;
- 3) the name, address and telephone number of the DORS Hearings Coordinator; and
- 4) a statement that if the grievant is dissatisfied with the decision, a Level II hearing may be requested by submitting a request to the DORS Hearings Coordinator no later than 15 working days of the date the Level I hearing decision was received; and,
- 5) a statement that the decision rendered as a result of the Level I hearing shall become final 20 working days after the date of the postmark on the decision letter unless the grievant requests a Level II hearing.

g) If the grievance pertains to the conduct of a customer attest in the adult residential training program for persons with visual disabilities, within 2 working days after adjournment of the Level I hearing, the Level I Hearing Officer shall inform the grievant of the decision by telephone, and shall provide written confirmation to the grievant within 7 working days. The decision must contain:

- 1) a statement of the basis upon which the decision was made;
- 2) the applicable laws and policies used;
- 3) the name, address and telephone number of the DORS Hearings Coordinator; and
- 4) a statement that if the grievant is dissatisfied with the decision, a request for a Level II hearing must be received by the DORS Hearings Coordinator within 2 working days from the date of the telephone call on the Level I hearing decision; and,
- 5) a statement that the decision rendered as a result of the Level I hearing shall become final 30 working days after the date of the postmark on the decision letter unless the grievant requests a Level II hearing.

(Source: Amended at 20 Ill. Reg. **8505**, effective **JUN 17 1996**)

Section 510.80 Level II Hearings

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- a) If the grievant is not satisfied with the Level I decision, or has chosen not to request a Level I hearing pursuant to Section 510.10(b), he/she may request a Level II hearing through the Hearings Coordinator or by completing a REQUEST FOR HEARING (IL 488-1948) and presenting it to DORS.
- b) A grievant must request a Level II hearing within the following time limits:
- 1) if the request is for a Level II hearing after a Level I hearing on the same matter, it must be received within 15 working days from the date of receipt of the Level I hearing decision;
  - 2) if the request is for review of an action for which there has not been a Level I hearing, pursuant to Section 510.10(b), it must be received within 15 working days from the date the grievant receives notice, or knew or should have known of the issue being grieved, or 20 working days from the date of the post mark on the notice, if the customer ~~is~~ was informed by mail;
  - 3) if the request relates to an available vending facility location and there has not been a Level I hearing, it must be made within 5 working days of receipt by the grievant of the notice of selection;
  - 4) if the grievance pertains to the conduct of a customer ~~is~~ in the adult residential training program for persons with visual disabilities, the request must be received within 2 working days after the date of the Level I hearing decision, and propose one hearing date which shall be within 5 working days after the request; or
  - 5) if the issue involves collection of misspent funds, the request must be made within 35 calendar days from the receipt of the written notice of the intent to recover per Section 8 of the Illinois Grant Funds Recovery Act (44-Rev-Stat--1991-CH--127 ~~part-2308~~ [30 ILCS 705/8]).
- c) The request must, except as set forth in Section 510.80(b)(4), propose 4 acceptable dates for the hearing which shall be within 20 working days of the request and state whether the grievant is unable to attend a hearing in the local DORS facility due to his/her disability, in which case it will be held in the grievant's home. If none of the dates are acceptable to DORS, the Hearings Coordinator will notify the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative, to determine a mutually acceptable date. In no case shall the Level II hearing be scheduled later than 45 calendar days of the grievant's request.
- d) Within 5 working days of receipt of the request for a Level II hearing, DORS Hearings Coordinator shall send the grievant a letter, certified mail, return receipt requested:
- 1) acknowledging the request for the hearing;
  - 2) stating the date, time and location for the hearing;
  - 3) stating the name and address of the individual who shall act as the Level II Hearing Officer, or, for Level II hearings arising

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- from HSP, the address of the Department of Public Aid (DPA) Assistance Hearings Section which shall, pursuant to Medicaid Regulations, assign a Hearing Officer;
- 4) contain a statement of the issue(s) being grieved; and
  - 5) informing the grievant of the rights accorded him/her under this Part.
- e) If the Level II hearing is held after a Level I hearing, only those issues presented at the Level I hearing shall be heard.
- f) DORS shall make an audio tape recording of the Level II hearing proceedings and will, upon request, provide one copy to the grievant at no cost. If an audio tape is not an accessible format for the grievant, upon request of the grievant, DORS shall prepare a transcript in an accessible format, and provide one copy of the transcript to the grievant at no cost.
- g) The official record of the Level II hearing shall consist of:
- 1) all pleadings, motions, and rulings;
  - 2) evidence, including testimony and exhibits;
  - 3) a statement of matters officially noticed;
  - 4) offers of proof;
  - 5) objection and rulings thereon;
  - 6) the Level II Hearing Officer's decision; and
  - 7) if applicable, documents and decision from a Director's Review (Section 510.110).
- h) For grievances arising from the VR Program, findings of fact and the decision, prepared by the Level II Hearing Officer, will be mailed within 15 working days after the adjournment of the Level II hearing.
- i) For grievances pertaining to the conduct of a customer ~~is~~ in the adult residential training program for persons with visual disabilities, the findings of fact shall be provided within 2 working days after the adjournment of the Level II hearing.
- j) For a grievance arising from the selection of a vendor for a vending location in the Vending Facilities Program for the Blind, the Level II Hearing Officer shall submit his/her recommended decision to the Director within 15 days of the date of adjournment of the Level II hearing. The recommendation shall be based upon the record of the hearing, citing applicable provisions of law and policy. The Director shall mail the final decision on the grievance to the grievant, and as appropriate, the grievant's representative, within 5 working days of receiving the Level II Hearing Officer's recommendation. The Director's decision shall state the principal issues and relevant facts brought out at the Level II hearing, pertinent provisions in law and DORS policy, the reasoning that led to the decision, the right to appeal pursuant to Section 510.120(c), the effective date of the decision and have attached a copy of the Level II Hearing Officer's recommendations.
- k) For Level II hearings arising from HSP, in addition to the other provisions contained in this Part, the following procedures shall apply:

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- 1) after receipt of the request for the Level II hearing, pursuant to Section 510.80(b)(1), the DORS Hearings Coordinator shall forward the request to the DPA Assistance Hearings Section which, pursuant to Medicaid Regulations, shall have administrative authority over all Level II hearings arising from HSP;
  - 2) the Level II hearing shall be conducted by an Impartial Hearing Officer appointed by DPA;
  - 3) DPA's rules, as set forth at 89 Ill. Adm. Code 104 shall apply, except 89 Ill. Adm. Code 104.10, 104.11, 104.20, 104.21(c), 104.70 and 104.80. All other rules contained in this Part shall apply to the extent they do not conflict with DPA's rules;
  - 4) all notices and communications made pursuant to this Section must be in writing, unless the grievant is unable to communicate in writing. All non-written communication shall be directed to the DORS Hearings Coordinator who shall relay the communication to the DPA Assistance Hearings Section or DPA Impartial Hearing Officer, as appropriate. In such instances, the Hearings Coordinator shall document such communication in the grievant's hearing file; and
  - 5) the hearing shall be held in the local DPA office unless, because of the grievant's disability, the grievant is unable to attend the hearing in the local DPA office. In such instances, the hearing shall be held in the grievant's home.
- 1) The decision of the Level II Hearing Officer shall be binding on DORS unless the Director sends a Notice of Intent to Review as specified in Section 510.110(a). DORS shall initiate implementation of the decision on the date specified in the decision, but no later than 20 calendar days of its receipt. No employee of DORS shall interfere with implementation of the decision.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1991)

## Section 510.90 Hearing Officers

- a) The Level I Hearing Officer must be the supervisor of the DORS staff person who has taken the action being grieved, or that person's supervisor pursuant to Section 510.60(d), except for hearings to modify school records per 89 Ill. Adm. Code 765.60(a) (1) and hearings to resolve school sex equity issues pursuant to 89 Ill. Adm. Code 829, which must be heard by the school superintendent or his/her designee or, if the grievance pertains to the conduct of a customer client at the adult residential training program for persons with visual disabilities, the Level I Hearing Officer must be the employee designated by the Deputy Director of the Bureau of Blind Services to hear such grievances.
- b) A Level II hearing must be heard by an individual randomly selected from the list of DORS' approved Level II Hearing Officers and

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designated by the Director except:

- 1) for grievances arising from modification of school records or school sex equity, the Level II Hearing Officer shall be the Deputy Director of the Bureau of Rehabilitation Services or his/her designee; and
- 2) for grievances arising from HSP, the Level II Hearing Officer shall be appointed by DPA.
- c) If the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, believes the Level II Hearing Officer selected to conduct the hearing is biased against the grievant, or has a conflict of interest, the grievant may make a written request to the Hearings Coordinator at least 5 days prior to the Level II hearing for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the Level II Hearing Officer. The request must be accompanied by an affidavit signed and dated by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, setting out specific facts upon which the claim of prejudice or conflict of interest is based.
- d) When an affidavit, as described in (c) above, is received, the DORS Hearings Coordinator shall assign another individual to serve as the Level II Hearing Officer if it is determined by the DORS Hearings Coordinator and other appropriate staff that prejudice or conflict of interest exists.
- e) The Level I and Level II Hearing Officer has the power to:
  - 1) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, a party's motion or objection concerning the admissibility of evidence;
  - 2) examine any of the witnesses at any time or request additional information from either party; and
  - 3) require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, paper and accounts the Hearing Officer deems material or relevant to any issue.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1991)

## Section 510.100 Conduct of Level I Hearings

- a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless the grievant so requests.
- b) The Level I hearing is an informal review of the decision with the goal of mutually resolving the issues being appealed. Procedures set forth in the Code of Civil Procedures (227-Rev-Stat-1991-ch-119



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- ~~par--i--tbl-et--seq-->~~ [735 ILCS 5] do not apply.
- c) The grievant may choose to have a personal representative present at the hearing.
- d) All parties involved in the hearing must avoid delay so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DORS employee involved in the action or severe weather) be continued by the Level I Hearing Officer. In the absence of an emergency, a request for a continuance must be made to the other party and the Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency, if the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Hearing Officer no less than 1 working day prior to the original hearing date.
- e) Evidence

- 1) The relevant portions of the case file may be introduced into evidence, and DORS must provide a copy to the grievant 3 working days before the hearing. However, only information from the grievant's case file bearing directly on the issue under review, per Section 510.20, may be considered.
- 2) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing. If the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.
- 3) The Level I Hearing Officer may not consider any information that has not been made available to the other party. The parties may stipulate as to the admissibility of evidence not submitted to the other party at least 3 working days prior to the hearing.
- 4) DORS employees directly involved in contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DORS and declines to attend the hearing after DORS has made a reasonable attempt to secure his/her attendance, the person most knowledgeable about the case will attend.
- 5) The grievant and DORS may call any person as a witness who may have relevant information.
- f) The grievant shall have the responsibility to prove by a preponderance of the evidence that the action or inaction by DORS was unlawful, against DORS policy, not in accordance with the grievant's IWRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 700), or inappropriate for the customer client. The Level I Hearing Officer shall inform the grievant of this requirement at the beginning of the hearing.
- g) The proceedings should be conducted in the following manner:

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- 1) an opening statement by the hearing officer explaining the process and the purpose of the Level I hearing;
- 2) determination and clarification of the issues and consideration of any other preliminary matter;
- 3) a fair and complete presentation and discussion of all the evidence, both written and oral, which is related to, and addresses, the issues, by the grievant and DORS;
- 4) summary of positions by the grievant and DORS, if requested;
- 5) closing statement by the hearing officer, which will provide an opportunity to discuss settlement or agree on a course of action.
- h) A hearing will not be adjourned until the Level I Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.
- i) The Level I Hearing Officer may take one of several courses of action, which include, but are not limited to the following:
  - 1) negotiate a course of action which is mutually agreed upon by the grievant and DORS to resolve the matter in dispute, which shall be written up as a settlement agreement, including a withdrawal of the appeal;
  - 2) accept a settlement of the issues agreed to by the grievant and DORS, which must include a written withdrawal of the appeal;
  - 3) issue a decision finding in favor of the grievant in whole or in part;
  - 4) issue a decision upholding the determination or action of DORS in whole or in part; or
  - 5) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or, as appropriate, by a parent, family member, guardian, advocate, or duly authorized representative of the grievant.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1996)

## Section 510.105 Conduct of Level II Hearings

- a) Every proceeding pursuant to this Section is to be confidential and not open to the general public unless requested to be so by the grievant.
- b) Procedures set forth in the Code of Civil Procedure ~~4111--Rev--Stat--1991--CH--1107--par--1--tbl-et--seq-->~~ [735 ILCS 5], except as provided in subsection (g) of this Section, do not apply to the procedures contained in this Section.
- c) The grievant must notify DORS Hearings Coordinator of the appointment of a personal representative by filing, no later than 3 working days in advance of a hearing, a notice of appearance stating the personal representative's name, address and telephone number, identifying the grievant represented, and signed by the grievant. If the grievance pertains to the conduct of a customer client of the adult residential

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training program for persons with visual disabilities, such notice must be made no later than 1 working day in advance of the hearing. Such notice must be accompanied by appropriate consent for the release of confidential information to the personal representative, if one is not already on file.

- d) At least 3 working days prior to the hearing, the grievant and the DORS staff person who has taken the action being grieved must provide each other and the Hearing Officer with a list of witnesses, copies of documents not in the possession of the other party, and a summary of the evidence which they plan to present at the hearing. If the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, such information must be shared within 1 working day prior to the hearing.

- e) All parties involved in the hearing must avoid repetitive continuances so that the subject matter of the grievance may be resolved expeditiously. A hearing may for good cause shown (e.g., illness of the grievant, representative or DORS employee involved in the action or severe weather) be continued once by the Level II Hearing Officer. In the absence of an emergency, notice of the request must be given in writing to the other party and the Level II Hearing Officer no later than 3 working days prior to the original hearing date. In the absence of an emergency if the grievance pertains to the conduct of a customer client of the adult residential training program for persons with visual disabilities, the notice must be provided to the other party and the Level II Hearing Officer no less than 1 working day prior to the original hearing date. The granting of continuances for Level II hearings arising from HSP shall be governed by DPA.

- f) The grievant shall have the responsibility to prove by the preponderance of the evidence that the action or inaction by DORS was unlawful, against DORS policy, not in accordance with the grievant's IWRP (89 Ill. Adm. Code 572) or HSP Service Plan (89 Ill. Adm. Code 700), or inappropriate for the customer client. The Level II Hearing Officer shall inform the grievant of this requirement at the beginning of the Level II hearing.

## g) Evidence

- 1) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed except that any relevant evidence not admissible under those rules of evidence which is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, has probative value, and is relevant and material to the facts and issues may be admissible.

- 2) DORS employees directly involved in the contested action will be present to testify and can be questioned by the grievant. However, if such person is no longer employed by DORS and declines to attend the hearing after DORS has made a reasonable attempt to secure his/her attendance, the person most

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knowledgeable about the case will attend.

- 3) Only information bearing directly on the issue under review, per Section 510.20, may be introduced from the grievant's case file. The Level II Hearing Officer may not consider any information that has not been made available to the other party.
- 4) Either party may present information and evidence in addition to the case file, which must also be made available to the other party at least 3 working days prior to the hearing or by stipulation at the hearing.
- 5) The grievant and DORS may call any person as a witness and conduct examination and cross-examination.
- 6) The grievant and DORS may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated must be considered as evidence in the proceedings.

- h) The following is the order of the proceedings:

- 1) presentation, arguments, and disposition of all preliminary motions and matters;
- 2) opening statement;
- 3) evidence presented by the grievant;
- 4) evidence presented by DORS;
- 5) rebuttal by either or both sides;
- 6) closing statements by the grievant;
- 7) closing statements by DORS; and
- 8) rebuttal by grievant.

- i) A hearing will not be adjourned until the Level II Hearing Officer has received all information agreed upon within the time the parties have agreed to provide it.

- j) The Level II Hearing Officer may take one of several courses of action in making a decision, which include, but are not limited to the following:

- 1) find in favor of the grievant;
- 2) uphold the determination or action of DORS;
- 3) accept a withdrawal of the appeal confirmed in writing signed by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, which must be filed with the Hearings Coordinator;
- 4) accept a settlement of the issues agreed to by the grievant and DORS which must include a written withdrawal of the appeal, which must be filed with the Hearings Coordinator.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1990)

## Section 510.110 Director's Review

- a) The Director may choose to review any Level II decision except for an appeal brought by a licensed vendor in the Vending Facilities Program for the Blind, by issuing a Notice of Intent to Review within 20

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calendar days of the mailing of the decision to the grievant. If the grievance pertains to the conduct of a customer ~~entire~~ in the adult residential training program for persons with visual disabilities, the Notice of Intent to review shall be issued within 7 working days. The scope of such review shall include, but is not limited to, the consistency of the Level II Hearing Officer's finding with applicable law and regulations. The Notice of Intent to Review shall include a listing of those issues being reviewed.

1) The appropriate program staff will then perform a thorough review of the Level II Hearing Officer's decision, the grievant's case file and the record of proceedings of the Level II hearing, and make a recommendation to the Director regarding a Level II decision which is thought to be:

- A) in violation of constitutional, statutory, regulatory, or written policy;
- B) in excess of the statutory authority of DORS;
- C) affected by other error of law, regulation, or written policy;
- D) not reasonably supported by the evidence; or
- E) arbitrary, capricious, or characterized by abuse of or clearly unwarranted exercise of discretion.

2) If the Director determines that a review is necessary, based on the recommendations made in subsection (a)(1) of this Section, the Notice shall be sent to the grievant, who shall be informed of the right to submit additional written evidence and arguments to the Director. Such additional evidence and arguments must be received within 10 working days of receipt of the Notice. If the grievance pertains to the conduct of a customer ~~entire~~ of the adult residential training program for persons with visual disabilities, such additional evidence and arguments must be received within 7 working days after receipt of the Notice.

b) The Director's decision, citing the findings and grounds, must be mailed within 30 calendar days of the date of the Notice of Intent to Review. If the grievance pertains to the conduct of a customer ~~entire~~ of the adult residential training program for persons with visual disabilities, the Director's decision, citing the findings and grounds, must be mailed within 12 calendar days after the Notice of Intent to Review. This decision must be sent by Certified Mail, return receipt requested, to the grievant.

c) The Director may modify, reverse or uphold the Level II Hearing Officer's decision, except if the grievance pertains to the VR program, the Director may not modify or overturn a decision or part of such a decision that supports the position of the grievant unless the Director concludes, based on clear and convincing evidence, that the decision is clearly erroneous on the basis of being contrary to federal or State law, including policy. This decision is based upon review of the grievant's case file, the Level I decision, the Level II record, the Level II Hearing Officer's decision, and any additional

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evidence and arguments submitted by the grievant.

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1996)

## Section 510.120 Exhaustion of Administrative Remedies

a) DORS administrative action becomes final upon the decision of the Director ~~or if no such review has been undertaken 20 days after the Level II Hearing Officer's decision has been issued.~~

1) 20 working days from the date of the postmark on the Level II Hearing decision, if the customer does not request a Level II hearing;

2) 20 working days after the date of the Level II Hearing decision, if no Director's Review is performed; or

3) if a Director's Review is held, upon the decision of the Director.

b) If the grievance pertains to the conduct of a customer ~~entire~~ at the adult residential training program for persons with visual disabilities, DORS administrative action becomes final:

1) 3 working days from the date of the postmark on the Level II hearing decision, if the customer has not requested a Level II hearing; or

2) 7 working days after the date of the Level II hearing decision, if no Director's Review is performed; or

3) if a Director's Review is performed, upon the decision of the Director ~~or if no such review has been undertaken 7 working days after the Level II Hearing Officer's decision has been issued.~~

c) Any further appeal (other than by a vendor in the Vending Facilities Program for the Blind or by a grievant under the Grant Funds Recovery Act) must be made to the courts by common law writ of certiorari. A vendor in the Vending Facilities Program for the Blind must first file an appeal with the U.S. Department of Education in accordance with the Randolph-Sheppard Act (20 U.S.C. 107 et seq.). A grievant under the Grant Funds Recovery Act must file under the Administrative Review Law ~~with the State 1997-07-107-001-3-1017 [735 ILCS 5/Art. III 9-101].~~

(Source: Amended at 20 Ill. Reg. 8505, effective JUN 17 1996)



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

1) Heading of the Part: Approval of Negotiated Agreements2) Code Citation: 83 Ill. Adm. Code 7633) Section Numbers: Proposed Action:

763.10	New Section
763.20	New Section
763.30	New Section
763.40	New Section
763.100	New Section
763.110	New Section
763.120	New Section
763.130	New Section
763.140	New Section
763.150	New Section
763.200	New Section
763.210	New Section
763.230	New Section
763.300	New Section
763.320	New Section
763.330	New Section
763.340	New Section
763.350	New Section
763.360	New Section
763.370	New Section
763.380	New Section
763.400	New Section
763.410	New Section
763.420	New Section
763.430	New Section
763.440	New Section
763.450	New Section
763.460	New Section
763.470	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].5) Effective Date of Rules: June 18, 19966) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.7) Date Filed in Agency's Principal Office: June 14, 19968) Reason for Emergency: On February 8, 1996, the Federal Telecommunications

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Act of 1996 (P.L. 104-104) became effective, making sweeping changes in the Communications Act of 1934 (Federal Act). Under Section 251 of the Federal Act, each telecommunications carrier has the duty to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers and not to install network features, functions, or capabilities that do not comply with the statutory guidelines and standards established pursuant to the Federal Act. Each local exchange carrier has the duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services. Each local exchange carrier also has the duty to provide number portability, access to rights-of-way, and reciprocal compensation arrangements for the transport and termination of telecommunications. In addition, incumbent local exchange carriers have the duty to provide access to network elements on an unbundled basis, offer wholesale rates for their services and provide for physical collocation of other carrier's equipment.

Section 252 of the Federal Act imposes new duties on State agencies with regulatory responsibilities over telecommunications carriers, among them being the approval or rejection of interconnection agreements reached by negotiation between telecommunications carriers. Section 252 of the Federal Act also delineates procedures for the involvement of State agencies in the negotiation and arbitration of agreements, as well as for the consideration of statements of generally available terms prepared by Bell operating companies.

The Illinois Commerce Commission (Commission), as a State regulatory agency affected by the Federal Act, is thus required to approve or reject agreements negotiated between carriers regarding interconnection. In order to meet the statutorily mandated deadlines for the processing of the agreements, it is necessary for the Commission to adopt rules for these proceedings.

Under Section 252(e)(2)(A) of the Federal Act:

... [t]he State commission may only reject --

- (A) an agreement (or any portion thereof) adopted by negotiation ... if it finds that --
- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
  - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity....

The Federal Act further provides that the Commission shall have 90 days to approve or reject a negotiated agreement, or the agreement shall be deemed approved. (47 U.S.C. 252(e)(4))

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The Commission notes that it has received two requests for approval of negotiated agreements. It is essential that the Commission have rules in place immediately to provide a regulatory structure for the approval of agreements, in order to enable it to protect the public interest, convenience and necessity by rejecting negotiated agreements which discriminate against a telecommunications carrier not a party to the agreement, or which are not consistent with the public interest, convenience and necessity. The Commission's inability to approve or reject negotiated agreements because of a lack of rules governing such proceedings would constitute a threat to the public interest of the citizens of the State of Illinois. Accordingly, the Commission is utilizing the emergency rulemaking provisions of the Illinois Administrative Procedure Act to adopt these emergency rules.

9) A Complete Description of the Subjects and Issues Involved: These rules will provide rules of practice that are specifically designed to implement Section 252 of the Telecommunications Act of 1996. The Commission has established the requirements for the form, filing, and the service of documents in the arbitration proceeding, discovery, and procedure prior to, during, and following the arbitration proceeding.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706  
(217) 782-7434

The full text of the emergency rules begins on the next page:

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## NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

## PART 763

## APPROVAL OF NEGOTIATED AGREEMENTS

## SUBPART A: GENERAL PROVISIONS

## Section

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EMERGENCY

763.20 Deviation from this Part

EMERGENCY

763.30 Definitions

EMERGENCY

763.40 Authority of Hearing Examiner

EMERGENCY

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

## Section

763.100 Communications to the Commission

EMERGENCY

763.110 Filing of Petition for Approval of Negotiated Agreement

EMERGENCY

763.120 Required Disclosures

EMERGENCY

763.130 Contents of Documents

EMERGENCY

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763.150 Service

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## SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

## Section

763.200 Scheduling Conferences

EMERGENCY

763.210 Failure to Comply with a Discovery Order or a Subpoena

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763.230 Protective Orders

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## SUBPART D: INFORMATION GATHERING PROCEDURE

## Section

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

763.300 Disqualification of Hearing Examiner  
 EMERGENCY  
 763.320 Transcripts  
 EMERGENCY  
 763.330 Consolidation and Severance  
 EMERGENCY  
 763.340 Information to be Adduced  
 EMERGENCY  
 763.350 Information to be Under Oath or Affirmation  
 EMERGENCY  
 763.360 Stipulation of Facts  
 EMERGENCY  
 763.370 Exhibits  
 EMERGENCY  
 763.380 Ex Parte Communications  
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## SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

Section  
 763.400 Briefs  
 EMERGENCY  
 763.410 Draft Proposed Decisions  
 EMERGENCY  
 763.420 Hearing Examiner's Proposed Decision  
 EMERGENCY  
 763.430 Exceptions; Reply  
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 763.440 Filing of Briefs  
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 763.450 Oral Argument  
 EMERGENCY  
 763.460 Additional Hearings  
 EMERGENCY  
 763.470 Reopening on Motion of the Commission  
 EMERGENCY

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/10-101).

SOURCE: Emergency rules adopted at 20 Ill. Reg. 8527, effective June 18, 1996, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

Section 763.10 Procedure Governed  
 EMERGENCY

## ILLINOIS COMMERCE COMMISSION

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This Part governs practice and procedure before the Illinois Commerce Commission (Commission) in the approval of negotiated agreements required by Sections 252(e)(1) and 252(e)(2)(A) of the Communications Act of 1934 (47 U.S.C. 252).

Section 763.20 Deviation from this Part  
 EMERGENCY

To the extent permitted by law, any provision of this Part may be waived, suspended or modified by the Commission or an Examiner, either upon their own motion or upon motion by any person.

Section 763.30 Definitions  
 EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, amended and supplemental petitions, written discovery, answers to discovery, motions, responses, replies, notices, suggested findings of fact and conclusions of law, exceptions to Hearing Examiners' proposed orders, briefs, drafts or suggested forms of order, and similar writings.

"Hearing Examiner" means an employee of the Commission, or a Commissioner, designated by the Commission to conduct proceedings pursuant to Section 252(e) of the Communications Act of 1934 (47 U.S.C. 252).

"Intervenor" means a person who, upon written petition, is permitted to intervene in any proceeding under this Part.

"Party" means any person who enters into a negotiated agreement for which Commission approval is sought under 47 U.S.C. 252(e); or, any person allowed by the Commission or Hearing Examiner to intervene in a proceeding. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

## Section 763.40 Authority of Hearing Examiner



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**EMERGENCY**

- a) The Hearing Examiner shall have authority over the conduct of a proceeding under this Part and the responsibility for submission of the matter to the Commission for decision. The Hearing Examiner shall have those duties and powers necessary to these ends, including the following:

- 1) To conduct hearings and pre-hearing conferences;
  - 2) To direct parties to serve testimony and exhibits and establish a date certain for service;
  - 3) To grant or deny Petitions to Intervene;
  - 4) To conduct discovery of the parties;
  - 5) To supervise all or any part of any discovery procedure;
  - 6) To administer oaths and affirmations;
  - 7) To examine witnesses and to allow the examination of an adverse party or agent;
  - 8) To rule upon all matters which do not result in the final determination of the proceeding;
  - 9) To call upon any party at any stage of the proceeding to produce further information that is material and relevant to any issue;
  - 10) To issue proposed decisions pursuant to Section 763.420 of this Part;
  - 11) To issue protective orders in accordance with Section 763.430 of this Part; and
  - 12) To ensure that the proceeding is conducted in a full, fair and impartial manner, that order is maintained and that unnecessary delay is avoided in the disposition of the proceedings.
- b) Any party who fails to comply with an order of the Hearing Examiner may be limited in its presentation of information during the proceeding.

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

**Section 763.100 Communications to the Commission****EMERGENCY**

All documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. All formal communications and documents are deemed to be officially filed or submitted only when delivered to the principal office of the Commission. The Chief Clerk is the official custodian of all Commission records.

**Section 763.110 Filing of Petition for Approval of Negotiated Agreement****EMERGENCY**

- a) All petitions for approval of a negotiated agreement shall be jointly filed by the parties to the agreement. In addition, all petitions:

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- 1) Shall be verified.

- 2) Shall be accompanied by the verified written statements and exhibits of all witnesses the petitioners propose to call at the hearing to support their position that:

- A) neither the agreement, nor any portion thereof, discriminates against a carrier not a party to the agreement; and
  - B) neither implementation of the agreement, nor any portion thereof, would be inconsistent with the public interest.
- b) A petition for approval of a negotiated agreement shall not be accepted for filing unless it is verified.

**Section 763.120 Required Disclosures****EMERGENCY**

Unless otherwise ordered by the Hearing Examiner or the Commission, parties shall file with the petition for approval of a negotiated agreement, and without awaiting a discovery request:

- a) The name, address and telephone number of each individual likely to have discoverable information relevant to the issues of whether:
  - 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
  - 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.
- b) A copy of, or a description by category and location of, all documents, data compilations, and written information in the possession, custody, or control of the party that are relevant to the issues of whether:
  - 1) the agreement, or any portion thereof, discriminates against a carrier not a party to the agreement; and
  - 2) implementation of the agreement, or any portion thereof, would be inconsistent with the public interest.

**Section 763.130 Contents of Documents****EMERGENCY**

- a) All documents submitted in approval proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new proceeding shall leave a space for the docket number. All documents shall also include the full name, address and telephone number of the person or the representative of the person filing the document.
- b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in form and substance as follows:

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I, \_\_\_\_\_, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 199\_\_.

NOTARY PUBLIC

**Section 763.140 Copies of Documents**  
**EMERGENCY**

All documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

**Section 763.150 Service**  
**EMERGENCY**

- a) All documents shall be deemed filed on the date received by the Chief Clerk of the Commission. Service on the Chief Clerk of the Commission cannot be made by telephone facsimile. All documents shall be served upon the parties to the proceeding on the day they are filed with the Chief Clerk of the Commission.
- b) Proof of service of any paper shall be by certificate of attorney, acknowledgement of receipt, or affidavit.

SUBPART C: SCHEDULING AND DISCOVERY PROCEDURES

**Section 763.200 Scheduling Conferences**  
**EMERGENCY**

Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a scheduling conference. Notice of the conference shall be given in writing, telephone, or telephone facsimile not later than 24 hours before the pre-hearing conference. Such a conference may be held for any purpose, including, but not limited to:

- a) Scheduling;
- b) Identification and simplification of issues;
- c) Amendments to documents;
- d) Limitations on the number of witnesses;

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- e) The issuance of rulings denying, limiting, conditioning or regulating discovery;
- f) The issuance of rulings supervising all or any part of any discovery procedure; and
- g) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

**Section 763.210 Failure to Comply With a Discovery Order or a Subpoena**  
**EMERGENCY**

If a person or party fails to comply with a discovery order or refuses to attend or be sworn at a hearing, the Hearing Examiner may suspend further proceedings until compliance is obtained, or the Hearing Examiner may strike all or any part of the pleadings of such party, or refuse to allow the party to support designated claims or defenses.

**Section 763.230 Protective Orders**  
**EMERGENCY**

At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

SUBPART D: INFORMATION GATHERING PROCEDURE

**Section 763.300 Disqualification of Hearing Examiner**  
**EMERGENCY**

- a) A Hearing Examiner assigned to a proceeding may, upon written request to and approval of the Chief Hearing Examiner, recuse himself or herself from the proceeding.
- b) Whenever any party believes a Hearing Examiner for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearing Examiner, setting forth by affidavit the alleged grounds for disqualification. The Hearing Examiner shall have 5 days after filing of the motion within which to enter a written ruling thereon. A copy of such ruling shall be served upon all parties.
- c) Any ruling by a Hearing Examiner denying a request for recusal under this Section may be reviewed by the Commission. Review shall be sought no more than 3 days from the denial of the motion to recuse or disqualify. The party seeking review of the ruling shall file with the Chief Clerk a verified petition, together with any offer of proof, and shall serve a copy of the petition upon the Hearing Examiner and all parties to the proceeding. Other parties and the staff representative may file responses within 3 days after the filing of

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the petition. The Hearing Examiner shall have 3 days from the filing of the petition within which to file a report to the Commission with the Chief Clerk, who shall serve copies of such report on the parties and staff representatives.

### Section 763.320 Transcripts EMERGENCY

- a) A complete record of all proceedings conducted under this Part, including oral arguments before the Commission or Hearing Examiner, shall be transcribed by a reporter appointed by the Commission. In the event that expedited transcripts are required, the cost of preparation shall be borne by Petitioner.
- b) Suggested corrections to the transcript of record must be filed within 7 days from the day on which the hearing is held or at such other time as prescribed by the Hearing Examiner, and shall be in writing and served upon each party, the official reporter and the Hearing Examiner.
- c) Objections to suggested corrections shall be filed within 5 days after the filing of the suggestions, unless otherwise prescribed by the Hearing Examiner. The Hearing Examiner shall determine what changes, if any, shall be made in the record.
- d) If no objection is made to the suggested corrections, the Hearing Examiner may, in his or her discretion, direct the corrections to be made and the manner of making them. The purpose of this determination shall be to ensure the accuracy of the record.

### Section 763.330 Consolidation and Severance EMERGENCY

The Commission or Hearing Examiner may order two or more proceedings involving a similar question of law or fact to be consolidated where rights of the parties or the public interest will not be prejudiced by such procedure. The Commission or Hearing Examiner may order separate proceedings if issues cannot be conveniently disposed of with other issues in the proceeding, or if for any other reason severance of the parties is required.

### Section 763.340 Information to be Adduced EMERGENCY

- a) In all proceedings subject to this Part, irrelevant, immaterial or unduly repetitious information shall be excluded. Relevant information may be admitted at the hearing if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs.
- b) Whenever a verified statement or exhibit contains language and/or figures that differ from the exhibit offered, the sponsoring party shall indicate all changes in writing either on a corrective sheet or

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the actual exhibit shall have the corrected language and/or figures so designated.

- c) Any information offered in whatever form shall be subject to appropriate and timely objection. The Hearing Examiner may, either with or without objection, exclude irrelevant, immaterial, unduly repetitious or otherwise inadmissible information.

### Section 763.350 Information to be Under Oath or Affirmation EMERGENCY

All orally presented information to be considered by the Commission shall be sworn or affirmed testimony.

### Section 763.360 Stipulation of Facts EMERGENCY

The parties and staff may, by written stipulation filed with the Commission or by oral stipulation entered in the record, agree upon the facts or any part thereof related to the contested issues in the proceeding. Notwithstanding the stipulation of the parties, the Commission or the Hearing Examiner may require further information in support of the facts so stipulated.

### Section 763.370 Exhibits EMERGENCY

- a) All exhibits shall be marked numerically and/or alphabetically with a party designation and shall conform to the requirements of Section 763.120 of this Part.
- b) When exhibits are identified for the record, unless the Hearing Examiner directs otherwise, an original and two copies shall be offered at the hearing and a copy provided to the Hearing Examiner and to each party.

### Section 763.380 Ex Parte Communications EMERGENCY

- a) The provisions of Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60] shall apply in full to Commission proceedings that are subject to this Part. The provisions of Section 10-60 shall not apply, however, to communications between Commission employees who are engaged in investigatory or advocacy functions and other parties to the proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in Section 10-60, directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding.
- b) Any Commissioner, Hearing Examiner, or other Commission employee who



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is or may reasonably be expected to be involved in the decisional process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] shall place on the public record of the proceeding:

- 1) All such written communications;
- 2) Memoranda stating the substance of all such oral communications; and
- 3) All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (b)(1) and (2). [220 ILCS 5/10-103]
- c) The material specified in subsection (b) shall be disclosed to the parties of record by:
  - 1) Service on the parties at the hearing; or
  - 2) If no hearing is scheduled within the next seven days, service by hand delivery, overnight mail or courier service or telephone facsimile on all parties to the proceeding.

## SUBPART E: PROCEDURE FOLLOWING INFORMATION GATHERING

Section 763.400 Briefs  
EMERGENCY

- a) The Hearing Examiner or the Commission may order the parties to file a brief. If hearings are held, parties must use transcript citations. In the discretion of the Commission or the Hearing Examiner, failure to use transcript citations may result in rejection of all or part of the brief.
- b) Briefs shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:
  - 1) A table of contents;
  - 2) A short statement of the case;
  - 3) A summary of the position of the party filing; and
  - 4) Argument.

Section 763.410 Draft Proposed Decisions  
EMERGENCY

The Hearing Examiner may permit or require a party or parties to file draft proposed decisions.

Section 763.420 Hearing Examiner's Proposed Decision  
EMERGENCY

In a contested case, the Hearing Examiner presiding shall prepare a proposed decision, including a statement of findings and conclusions and the reasons or basis therefor, on all material issues. Such proposed decision shall be served

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by the Chief Clerk of the Commission on all parties to the proceeding.

Section 763.430 Exceptions; Reply  
EMERGENCY

- a) The parties may file exceptions to the Hearing Examiner's proposed decision at such time as is fixed by the Hearing Examiner or the Commission. The Hearing Examiner or the Commission may also require the parties to file as a reply "Brief in Reply to Exceptions."
- b) Exceptions and replies to exceptions with respect to statements, findings of fact or rulings of law must be specific and must be stated and numbered separately in the brief. When exception is taken or a reply is made as to a statement or finding of fact, a suggested replacement statement or finding must be incorporated. Exceptions and replies may contain written arguments in support of the position taken by the party or staff witnesses filing such exceptions or reply.

Section 763.440 Filing of Briefs  
EMERGENCY

An original and 11 copies of all briefs shall be filed with the Commission.

Section 763.450 Oral Argument  
EMERGENCY

The Commission, upon its own motion, may hear oral argument from the parties to the proceeding.

Section 763.460 Additional Hearings  
EMERGENCY

Before issuance of a final order by the Commission, the Hearing Examiner may, on his or her own motion or when directed by the Commission, hold additional hearings.

Section 763.470 Reopening on Motion of the Commission  
EMERGENCY

After issuance of an order by the Commission, the Commission may, on its own motion, reopen any proceeding when it has reason to believe that conditions of fact or law have so changed as to require, or that the public interest requires, such reopening.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

1) Heading of the Part: Arbitration Practice2) Code Citation: 83 Ill. Adm. Code 7613) Section Numbers: Emergency Action:

761.10	New Section
761.20	New Section
761.30	New Section
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761.460	New Section
761.470	New Section

4) Statutory Authority: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].5) Effective Date of Rules: June 18, 1996

## 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office: June 14, 1996

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

- 8) Reason for Emergency: On February 8, 1996, the Federal Telecommunications Act of 1996 (P.L. 104-104) became effective, making sweeping changes in the Communications Act of 1934 (Federal Act). The Federal Act imposes new duties on State agencies with regulatory responsibilities over telecommunications carriers, among them being the arbitration of disputes between carriers when an interconnection agreement cannot be reached by negotiation between the carriers. Section 252 of the Federal Act delineates the procedures for the involvement of State agencies in the negotiation, arbitration, and approval of agreements.

Under Section 251 of the Federal Act, each telecommunications carrier has the duty to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers and not to install network features, functions, or capabilities that do not comply with the statutory guidelines and standards established pursuant to the Federal Act. Each local exchange carrier has the duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of its telecommunications services. Each local exchange carrier also has the duty to provide number portability, access to rights-of-way, and reciprocal compensation arrangements for the transport and termination of telecommunications. In addition, incumbent local exchange carriers have the duty to provide access to network elements on an unbundled basis, offer wholesale rates for their services and provide for physical collocation of other carrier's equipment.

The Illinois Commerce Commission (Commission), as a State regulatory agency affected by the Federal Act, is required to arbitrate those issues upon which the carriers are unable to reach an agreement. In order to meet the statutorily mandated deadlines for arbitrations, it is necessary for the Commission to adopt rules for these proceedings. Under Section 252(e)(5) of the Federal Act:

If a State commission fails to act to carry out its responsibility under this section in any proceeding or other matter under this section, then the Commission (FCC) shall issue an order preempting the State commission's jurisdiction of that proceeding or matter within 90 days after being notified for taking notice of such failure, and shall assume the responsibility of the State commission under this section with respect to the proceeding or matter and act for the State commission.

Given that the loss of jurisdiction over these matters would constitute a threat to the public interest of the citizens of the State of Illinois, it is essential that the Commission immediately adopt rules governing the arbitration of contested issues to ensure that the deadlines mandated by the Federal Act will be met. Accordingly, the Commission is utilizing the emergency rulemaking provisions of the Illinois Administrative Procedure Act to adopt these emergency rules.

## ILLINOIS COMMERCE COMMISSION

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9) A Complete Description of the Subjects and Issues Involved: These rules will provide rules of practice that are specifically designed to implement Section 252 of the Telecommunications Act of 1996. The Commission has established the requirements for the form, filing, and the service of documents in the arbitration proceeding, discovery, and procedure prior to, during, and following the arbitration proceeding.

10) Are there any proposed amendments to this Part pending? No.

11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62706  
(217)782-7434

The full text of the emergency rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 761  
ARBITRATION PRACTICE

## SUBPART A: GENERAL PROVISIONS

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761.20	Deviation from this Part
761.30	EMERGENCY
761.30	Definitions
761.40	EMERGENCY
761.40	Authority of Hearing Examiner
761.40	EMERGENCY

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

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761.130	EMERGENCY
761.130	Contents of Documents
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Section	Pre-arbitration Conferences
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## SUBPART D: ARBITRATION PROCEDURE



## ILLINOIS COMMERCE COMMISSION

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Section 761.300 Disqualification of Hearing Examiner  
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761.310 Arbitration Hearing Procedure  
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761.320 Transcripts  
EMERGENCY

761.330 Consolidation and Severance  
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761.340 Information to be Adduced at Arbitration  
EMERGENCY

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EMERGENCY

761.360 Stipulation of Facts  
EMERGENCY

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EMERGENCY

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## SUBPART E: POST-HEARING PROCEDURE

Section 761.400 Briefs  
EMERGENCY

761.410 Draft Proposed Arbitration Decisions  
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761.420 Hearing Examiner's Proposed Arbitration Decision  
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761.430 Exceptions; Reply  
EMERGENCY

761.440 Filing of Briefs  
EMERGENCY

761.450 Oral Argument  
EMERGENCY

761.460 Additional Hearings  
EMERGENCY

761.470 Reopening on Motion of the Commission  
EMERGENCY

AUTHORITY: Implementing Section 252 of the Communications Act of 1934 (47 U.S.C. 252) and Section 10-101 of the Public Utilities Act and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/10-101).

SOURCE: Emergency rules adopted at 20 Ill. Reg. **8541**, effective June 18, 1996, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

## ILLINOIS COMMERCE COMMISSION

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### Section 761.10 Procedure Governed EMERGENCY

This Part governs practice and procedure before the Illinois Commerce Commission (Commission) in the arbitration proceedings required by Section 252(b) of the Communications Act of 1934 (47 U.S.C. 252(b)).

### Section 761.20 Deviation from this Part EMERGENCY

To the extent permitted by law, any provision of this Part may be waived, suspended or modified by the Commission or an Examiner, either upon their own motion or upon motion by any person.

### Section 761.30 Definitions EMERGENCY

Unless otherwise defined, the following terms as used in this Part shall have the following meanings:

"Commissioner" means a member of the Commission.

"Documents" means petitions, responses, amended and supplemental petitions, written discovery, responses to discovery, verified statements, verified exhibits, depositions, motions, responses, replies, notices, proposed arbitration decisions, exceptions to Hearing Examiners' proposed arbitration decisions, briefs, draft proposed arbitration decisions, and similar writings.

"Hearing Examiner" means a person employed by the Commission under Section 2-106 of the Public Utilities Act, who is assigned to conduct arbitration proceedings pursuant to Section 252 of the Communications Act of 1934 (47 U.S.C. 252). A Commissioner may also serve as a Hearing Examiner for purposes of this Part.

"Party" means any person who initiates a Commission proceeding by filing a petition for arbitration or a response to a petition for arbitration. Staff is not a party but shall have the specific rights and duties of parties as enumerated in this Part.

"Person" means any individual, partnership, corporation, governmental body or unincorporated association.

"Petitioner" means a party who, by written petition, applies for or seeks relief through arbitration pursuant to Section 252(b) of the Communications Act of 1934.

"Pleading" means any petition, motion, reply or response filed in

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writing with the Commission in an arbitration proceeding.

"Respondent" means a party against whom a petition is filed.

"Staff" or "Commission Staff" means individuals employed by the Commission. For purposes of this Part, a Hearing Examiner is not considered a member of the Commission Staff.

#### Section 761.40 Authority of Hearing Examiner EMERGENCY

a) The Hearing Examiner shall have authority over the conduct of an arbitration and the responsibility for submission of the matter to the Commission for decision. The Hearing Examiner shall have those duties and powers necessary to these ends, including the following:

- 1) To conduct arbitration hearings and pre-hearing conferences;
  - 2) To direct parties to serve verified statements and exhibits and establish a date certain for service;
  - 3) To conduct discovery of the parties;
  - 4) To supervise all or any part of any discovery procedure;
  - 5) To administer oaths and affirmations;
  - 6) To ensure that the arbitration is conducted in a full, fair and impartial manner, that order is maintained and that unnecessary delay is avoided in the disposition of the proceedings;
  - 7) To examine witnesses and allow parties to examine an adverse party or agent;
  - 8) To rule upon all matters which do not result in the final determination of the proceeding;
  - 9) To call upon any person at any stage of the arbitration proceeding to produce witnesses or information that is material and relevant to any issue;
  - 10) To issue proposed arbitration decisions pursuant to Section 761.420 of this Part; and
  - 11) To issue protective orders in accordance with Section 761.240 of this Part.
- b) Any party who fails to comply with an order of the Hearing Examiner may be limited in its presentation of information during the arbitration proceeding.

## SUBPART B: FORM, FILING AND SERVICE OF DOCUMENTS

#### Section 761.100 Communications to the Commission EMERGENCY

All documents to be filed with or submitted to the Commission shall be addressed to: The Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. All formal communications and documents are deemed to be officially filed or submitted only when delivered to the

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Principal Office of the Commission. The Chief Clerk is the official custodian of all Commission records.

#### Section 761.110 Filing of Petition for Arbitration EMERGENCY

a) All petitions for arbitration:

- 1) Shall clearly set forth on their first page the date upon which the original request for negotiation under Section 252 of the Communications Act of 1934 (47 U.S.C. 252) was received by the incumbent local exchange carrier and the dates 135 days, 160 days, and 9 months thereafter;
  - 2) Shall be filed during the period from the 135th to the 160th day (inclusive) after the date on which the incumbent local exchange carrier received the request for negotiation under Section 252 of the Communications Act of 1934 (47 U.S.C. 252);
  - 3) Shall be verified; and
  - 4) Shall be accompanied by the Petitioner's discovery requests.
- b) The party petitioning the Commission shall, at the same time as it submits the petition, provide the Commission all relevant documentation concerning:
- 1) The unresolved issues;
  - 2) The position of each of the parties with respect to those issues; and
  - 3) Any other issue discussed and resolved by the parties.
- c) A petition for arbitration shall not be accepted for filing unless it is verified.
- d) All responses to a petition for arbitration shall be verified, and shall be accompanied by the verified written statements and verified exhibits of all witnesses the party proposes to call at the arbitration hearing.
- e) Verified responses and verified written statements and exhibits constituting respondent's support for its response shall be filed no more than 25 days after the filing of the petition for arbitration.

#### Section 761.130 Contents of Documents EMERGENCY

- a) All documents submitted in arbitration proceedings before the Commission shall display the docket number of the proceeding. Documents initiating a new arbitration proceeding shall leave a space for the docket number. All documents shall also include the full name, address and telephone number of the person or the representative of the person filing the document.
- b) The original of every document filed with the Commission shall be signed by the party filing the same or by an officer or agent. The factual assertions contained in all documents shall be verified by the filing party before a notary public. The verification shall be in

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form and substance as follows:

I, \_\_\_\_\_, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
SIGNATURE OF PERSON VERIFYING DOCUMENT

SIGNED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

### Section 761.140 Copies of Documents EMERGENCY

All documents shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

### Section 761.150 Service EMERGENCY

- a) All documents shall be deemed filed on the date received by the Chief Clerk of the Commission. Service on the Chief Clerk of the Commission cannot be made by telephone facsimile. All documents shall be served upon the parties to the arbitration proceeding on the day they are filed with the Chief Clerk of the Commission.
- b) Proof of service of any paper shall be by certificate of attorney, acknowledgement of receipt, or affidavit.

### SUBPART C: PRE-ARBITRATION PROCEDURE AND DISCOVERY

### Section 761.200 Pre-arbitration Conferences EMERGENCY

- a) Upon direction of the Commission or on his or her own motion, the Hearing Examiner may request all parties to attend a pre-arbitration conference. Notice of the pre-arbitration conference shall be given in writing, telephone, or telephone facsimile not later than 24 hours before the pre-arbitration conference. Such a conference may be held for any purpose, including, but not limited to:
  - 1) Scheduling;
  - 2) Identification and simplification of issues;

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- 3) Amendments to documents;
- 4) Limitations on the number of witnesses;
- 5) The issuance of rulings denying, limiting, conditioning or regulating discovery;
- 6) The issuance of rulings supervising all or any part of any discovery procedure; and
- 7) Such other matters as may aid in the simplification of the issues and disposition of the proceeding.

### Section 761.210 Schedule of Pre-arbitration Procedure and Discovery EMERGENCY

In the absence of a schedule established at a pre-arbitration conference held under Section 761.200 of this Part, proceedings under this Part will be conducted under the following schedule:

- a) Respondent files and serves discovery responses and requests for discovery on Petitioner no later than 7 days after filing of the petition for arbitration;
- b) Petitioner files and serves verified written statements and exhibits of all witnesses it proposes to call at the arbitration hearing, along with responses to Respondent's discovery requests, no later than 14 days from the filing of the petition for arbitration;
- c) Respondent files and serves verified response to petition, and all documents required by Sections 761.110 and 761.120 of this Part no later than 25 days after the filing of the petition for arbitration;
- d) Staff files and serves requests for discovery of Petitioner and Respondent no later than 32 days after the filing of the petition;
- e) Petitioner and Respondent file and serve discovery responses no later than 7 days after the service of staff's requests for discovery;
- f) Staff files and serves verified written statements and exhibits no later than 46 days from the filing of the petition for arbitration;
- g) Petitioner and Respondent file and serve requests for discovery of staff no later than 53 days after the filing of the petition for arbitration;
- h) Staff files and serves discovery responses no later than 60 days after the filing of the petition for arbitration;
- i) Petitioner and Respondent file supplemental verified written statements and exhibits of the witnesses they propose to call at the arbitration hearing in order to respond to staff's verified written statements and exhibits 64 days from the filing of the petition for arbitration.

### Section 761.220 Failure to Comply with a Discovery Order or a Subpoena EMERGENCY

If a person or party fails to comply with a discovery order or refuses to attend or be sworn at an arbitration hearing, the Hearing Examiner may: suspend proceedings until compliance is obtained; strike all or any part of the



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documents of such party; refuse to allow the party to support designated claims or defenses; or proceed on the basis of the best information available from whatever source derived.

#### Section 761.230 Motion to Quash Subpoena EMERGENCY

The Hearing Examiner, upon motion, may quash or modify a subpoena or request for discovery.

#### Section 761.240 Protective Orders EMERGENCY

At any time during the pendency of a proceeding, the Commission or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies.

## SUBPART D: ARBITRATION PROCEDURE

#### Section 761.300 Disqualification of Hearing Examiner EMERGENCY

- a) A Hearing Examiner assigned to a proceeding may, upon written request to and approval of the Chief Hearing Examiner, recuse himself or herself from the proceeding.
- b) Whenever any party believes a Hearing Examiner for any reason should be disqualified from conducting, or continuing to conduct, a proceeding assigned to him or her, such party may file a motion to disqualify the Hearing Examiner, setting forth by affidavit the alleged grounds for disqualification. The Hearing Examiner shall have 5 days after filing of the motion within which to enter a written ruling thereon. A copy of such ruling shall be served upon all parties.
- c) Any ruling by a Hearing Examiner denying a request for recusal under this Section may be reviewed by the Commission. Review shall be sought no more than 3 days from the denial of the motion to recuse or disqualify. The party seeking review of the ruling shall file with the Chief Clerk a verified petition, together with any offer of proof, and shall serve a copy of the petition upon the Hearing Examiner and all parties to the proceeding. Other parties and the staff representative may file responses within 3 days after the filing of the petition. The Hearing Examiner shall have 3 days from the filing of the petition within which to file a report to the Commission with the Chief Clerk, who shall serve copies of such report on the parties and staff representative.

#### Section 761.310 Arbitration Hearing Procedure

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## EMERGENCY

- a) Arbitration hearings shall be commenced not later than 67 days from the filing of the petition for arbitration.
- b) The party filing the petition for arbitration shall begin the arbitration by presenting all of its witnesses to be cross-examined. The party filing the response to the petition for arbitration shall then present all of its witnesses to be cross-examined. Finally, staff shall present all of its witnesses to be cross-examined.
- c) Where the parties jointly file the petition for arbitration, the Hearing Examiner shall decide the order in which the parties shall present their witnesses for cross-examination.
- d) The Hearing Examiner will specify whether certain witnesses may be presented as a panel for cross-examination.

#### Section 761.320 Transcripts EMERGENCY

- a) A complete record of all arbitrations conducted under this Part, including oral arguments before the Commission or Hearing Examiner, shall be transcribed by a reporter appointed by the Commission. In the event that expedited transcripts are required, the cost of preparation shall be borne by Petitioner.
- b) Suggested corrections to the transcript of record must be filed within 7 days from the day on which the hearing is held or at such other time as prescribed by the Hearing Examiner, and shall be in writing and served upon each party, the official reporter and the Hearing Examiner.
- c) Objections to suggested corrections shall be filed within 5 days after the filing of the suggestions, unless otherwise prescribed by the Hearing Examiner. The Hearing Examiner shall determine what changes, if any, shall be made in the record.
- d) If no objection is made to the suggested corrections, the Hearing Examiner may, in his or her discretion, direct the corrections to be made and the manner of making them. The purpose of this determination shall be to ensure the accuracy of the arbitration record.

#### Section 761.330 Consolidation and Severance EMERGENCY

The Commission or Hearing Examiner may order two or more proceedings involving a similar question of law or fact to be consolidated where rights of the parties or the public interest will not be prejudiced by such procedure. The Commission or Hearing Examiner may order separate proceedings if issues cannot be conveniently disposed of with other issues in the proceeding, or if for any other reason severance of the proceedings is required.

#### Section 761.340 Information to be Adduced at Arbitration

## ILLINOIS COMMERCE COMMISSION

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**EMERGENCY**

- a) In all proceedings subject to this Part, irrelevant, immaterial or unduly repetitious information shall be excluded. Relevant information may be admitted at the arbitration if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs.
- b) Whenever a verified statement or exhibit contains language and/or figures that differ from the exhibit offered, the sponsoring party shall indicate all changes in writing either on a corrective sheet or the actual exhibit shall have the corrected language and/or figures so designated.
- c) Any information offered in whatever form shall be subject to appropriate and timely objection. The Hearing Examiner may, either with or without objection, exclude irrelevant, immaterial, unduly repetitious or otherwise inadmissible information.

**Section 761.350 Information to be Under Oath or Affirmation****EMERGENCY**

All orally presented information to be considered by the Commission at the arbitration shall be sworn or affirmed. All other information submitted at the arbitration shall be verified pursuant to Section 761.130(b) of this Part.

**Section 761.360 Stipulation of Facts****EMERGENCY**

The parties to any arbitration before the Commission may, by written stipulation filed with the Commission or by oral stipulation entered in the record, agree upon the facts or any part thereof related to the contested issues in the arbitration. Notwithstanding the stipulation of the parties, the Commission or the Hearing Examiner may require further information in support of the facts so stipulated.

**Section 761.370 Exhibits****EMERGENCY**

- a) All exhibits shall be marked numerically and/or alphabetically with a party designation and shall conform to the requirements of Section 761.130 of this Part.
- b) When exhibits are identified for the record, unless the Hearing Examiner directs otherwise, an original and two copies shall be offered at the arbitration and a copy provided to the Hearing Examiner and to each party.

**Section 761.380 Ex Parte Communications****EMERGENCY**

## ILLINOIS COMMERCE COMMISSION

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- a) The provisions of Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60] shall apply in full to Commission arbitration proceedings that are subject to this Part. The provisions of Section 10-60 shall not apply, however, to communications between Commission employees who are engaged in investigatory or advocacy functions and other parties to the arbitration proceeding, provided that such Commission employees are still prohibited from communicating on an ex parte basis, as designated in Section 10-60, directly or indirectly, with members of the Commission, any Hearing Examiner in the proceeding, or any Commission employee who is or may reasonably be expected to be involved in the decisional process of the proceeding.
- b) Any Commissioner, Hearing Examiner, or other Commission employee who is or may reasonably be expected to be involved in the decisional process of a proceeding, who receives, or who makes or knowingly causes to be made, a communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act as modified by Section 10-103 of the Public Utilities Act [220 ILCS 5/10-103] shall place on the public record of the proceeding:
  - 1) All such written communications;
  - 2) Memoranda stating the substance of all such oral communications; and
- 3) All written responses and memoranda stating the substance of all oral responses to the materials described in subsections (b)(1) and (2). [220 ILCS 5/10-103]
- c) The material specified in subsection (b) shall be disclosed to the parties of record by:
  - 1) Service on the parties at the arbitration; or
  - 2) If no arbitration is scheduled within the next seven days, service by hand delivery, overnight mail or courier service or telephone facsimile on all parties to the arbitration.

## SUBPART E: POST-HEARING PROCEDURE

**Section 761.400 Briefs****EMERGENCY**

- a) At the close of the arbitration, the Hearing Examiner or the Commission may order the parties to file a brief. Parties must use transcript citations. In the discretion of the Commission or the Hearing Examiner, failure to use transcript citations may result in rejection of all or part of the brief.
- b) Briefs shall be concise, and, if in excess of 20 pages, excluding appendices, shall contain:
  - 1) A table of contents;
  - 2) A short statement of the case;
  - 3) A summary of the position of the party filing; and
  - 4) Argument.

ILLINOIS COMMERCE COMMISSION  
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**Section 761.410 Draft Proposed Arbitration Decisions  
EMERGENCY**

The Hearing Examiner may permit or require a party or parties to file draft proposed arbitration decisions.

**Section 761.420 Hearing Examiner's Proposed Arbitration Decision  
EMERGENCY**

The Hearing Examiner presiding shall, after the close of the arbitration, prepare a proposed arbitration decision, including a statement of findings and conclusions and the reasons or basis therefor, on all the material issues of fact, law or discretion presented on the record. Such proposed arbitration decision, shall be served by the Chief Clerk of the Commission on all parties to the arbitration.

**Section 761.430 Exceptions; Reply  
EMERGENCY**

- a) The parties may file exceptions to the Hearing Examiner's proposed decision at such time as is fixed by the Hearing Examiner or the Commission. The Hearing Examiner or the Commission may also require the parties to file as a reply "Brief in Reply to Exceptions."
- b) Exceptions and replies to exceptions with respect to statements, findings of fact or rulings of law must be specific and must be stated and numbered separately in the brief. When exception is taken or a reply is made as to a statement or finding of fact, a suggested replacement statement or finding must be incorporated. Exceptions and replies may contain written arguments in support of the position taken by the party or staff representative filing such exceptions or reply.

**Section 761.440 Filing of Briefs  
EMERGENCY**

An original and 11 copies of all briefs shall be filed with the Commission.

**Section 761.450 Oral Argument  
EMERGENCY**

The Commission, upon its own motion, may hear oral argument from the parties to the arbitration.

**Section 761.460 Additional Hearings  
EMERGENCY**

Before issuance of a final order by the Commission, the Hearing Examiner may, on his or her own motion or when directed by the Commission, hold additional hearings.

ILLINOIS COMMERCE COMMISSION  
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**Section 761.470 Reopening on Motion of the Commission  
EMERGENCY**

After issuance of an order by the Commission, the Commission may, on its own motion, reopen any proceeding when it has reason to believe that conditions of fact or law have so changed as to require, or that the public interest requires, such reopening.



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PUBLIC MEETING

Notice is hereby given that the State Banking Board of Illinois and the Board of Trustees of the Illinois Bank Examiners' Education Foundation will hold their regularly scheduled meetings on Friday, June 28, 1996, at the Office of the Banks and Real Estate, 310 South Michigan Avenue, Suite 2130, Chicago, Illinois. The meeting of the Board of Trustees of the Illinois Bank Examiners' Education Foundation will begin at 9:30 a.m. The meeting of the State Banking Board of Illinois will begin at 10:30 a.m. The meeting will be open to the public in accordance with the Open Meetings Act, 5 ILCS 120/1-120/6 (1994) [Ill. Rev. Stat. ch. 120, par. 41 (1991)].

This meeting will be accessible to handicapped individuals in compliance with Executive Order #5 and pertinent state and federal laws upon notification of anticipated attendance. Handicapped persons planning to attend and needing special accommodations should contact, either by telephone or by letter, Debra Rath, 500 East Monroe, Springfield, Illinois 62701 or (217)782-3000 to inform of their anticipated attendance.

## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Livestock Auction Markets, 8 Ill. Adm. Code 40

1) Rulemaking:

- A) Description: In Sections 40.50, 40.60 and 40.180, language is being added to prohibit the diverting of slaughter animals en route to the slaughter facility. Language is also being added in Section 40.60(c) to prohibit the sale of any reactor or suspect animal after the animal has been bought, without the approval of the Department.

- B) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23]

- C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: July 12, 1996

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect slaughter buyers.

- F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Bovine Brucellosis, 8 Ill. Adm. Code 75

1) Rulemaking:

- A) Description: In Sections 75.5, 75.10, 75.60, and 75.120, the current edition of the Code of Federal Regulations will be adopted.

## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

Sections 75.70 and 75.80 will be amended to prohibit the diversion of slaughter animals en route to the slaughter facility and to ensure that all proper paperwork accompany the animals.

A new vaccine for bovine brucellosis was approved by the U.S. Department of Agriculture in the spring of 1996. The USDA is requiring a special vaccination tag for animals vaccinated with the RB-51 vaccine. This tag requirement will be added to Section 75.60.

Wisconsin is allowing cattle to leave their auction markets without a negative test for brucellosis. Since there is a chance that animals from other than a Class Free State may be consigned to a Wisconsin market, Illinois is clarifying in Section 75.180 that it will not accept animals from out-of-state markets unless the animal has had a negative test within the past thirty days.

**B) Statutory Authority:** Illinois Bovine Brucellosis Eradication Act [510 ILCS 35]

**C) Schedule meeting/hearing date:** Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

**D) Date Agency anticipates First Notice:** July 12, 1996.

**E) Effect on small businesses, small municipalities or not for profit corporations:** This rulemaking may affect slaughter buyers, livestock markets dealing with cattle, farmers, and veterinarians.

**F) Agency contact person for information:**

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

**G) Related rulemakings and other pertinent information:** None

**c) Part(s) (Heading and Code Citation):** Diseased Animals, 8 Adm. Code 85

1) Rulemaking:

## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

**A) Description:** In Sections 85.5, 85.15, 85.50, 85.75, and 85.115, the current edition of the Code of Federal Regulations will be adopted.

In Section 85.10, emergency rulemaking was initiated and effective on 4/30/96 (20 Ill. Reg. 6581) making infectious encephalomyelitis, infectious laryngotracheitis and paramyxovirus infection (other than Newcastle) reportable diseases. This emergency rule will be proposed for adoption.

Section 85.40 will be amended to include livestock consigned to slaughter from auction markets, marketing centers, livestock dealers or any other gathering point at regular intervals for immediate slaughter.

In Section 85.105, the exception for public stockyards will be deleted, and language included to cover other forms that may be required by the Department for entry into Illinois will be added. Language will also be added in subsection (b) to prohibit the diverting en route of slaughter animals consigned to points out of state.

In Section 85.125, two additional types of official identification for ratites will be added.

**B) Statutory Authority:** Illinois Diseased Animals Act [510 ILCS 50], Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6], Livestock Auction Market Law [225 ILCS 640], and Equine Infectious Anemia Control Act [510 ILCS 65]

**C) Schedule meeting/hearing date:** Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

**D) Date Agency anticipates First Notice:** July 12, 1996.

**E) Effect on small businesses, small municipalities or not for profit corporations:** This rulemaking may affect auction markets, marketing centers, livestock dealers, and slaughter buyers.

**F) Agency contact person for information:**

Dr. Richard Hull  
Illinois Department of Agriculture

## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: Provisions in Section 115.80 of the Illinois Pseudorabies Control Act regulations currently exempt feeder swine from qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herds, states or countries classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards from a test prior to importation into Illinois. This wording will also be added to Section 105.10 in an effort to locate all import requirements in one area.

Clarification on the mailing address for the Illinois destination for permits is included in both Sections 105.10 and 105.30 to indicate that the complete mailing address, not just the name and town, is required for a permit. This is necessary, especially for breeding animals, as letters are sent out to the purchaser in Illinois informing that person as to the required post entry test. Section 105.30 will be amended to include the current edition of the program standards.

In Section 105.20, the required report from the owner on the condition of imported feeder swine is being deleted as the Department no longer requires this report.

B) Statutory Authority: Illinois Swine Disease Control and Eradication Act (510 ILCS 100), the Illinois Pseudorabies Control Act (510 ILCS 90), and the Illinois Swine Brucellosis Eradication Act (510 ILCS 95)

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

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- D) Date Agency anticipates First Notice: July 12, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no adverse impact on small businesses.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Animal Diagnostic Laboratory Act, 8 Ill. Adm. Code 110

1) Rulemaking:

A) Description: The fees for toxoplasmosis and vesicular stomatitis in Section 110.90 will have lower fees added for multiple samples. The fee for reporting results by facsimile in Section 110.120 will be eliminated.

B) Statutory Authority: Animal Disease Laboratory Act (510 ILCS 10).

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: July 12, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will provide a savings for persons submitting multiple samples for toxoplasmosis and vesicular stomatitis testing and for persons wishing to have their laboratory results reported by facsimile.

F) Agency contact person for information:

Dr. Richard Hull



## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Equine Infectious Anemia Control, 8 Ill. Adm. Code 116

1) Rulemaking:

A) Description: Amendments to Section 116.30 include: A time limit of ten days will be established for euthanizing or shipping equine infectious anemia reactors following the confirmatory test; Diverting reactors en route to slaughter will be prohibited; If the reactor is going to be quarantined, a fifteen day time limit for having quarantine facilities in place will be established.

A provision in PA 89-463, effective 1/1/97, will require all members of the equine family being sold, leased, traded or loaned within the state to have a negative test for equine infectious anemia prior to sale. Section 116.40 will be repealed as this statutory amendment will negate the testing of slaughter horses at market.

B) Statutory Authority: Illinois, Equine Infectious Anemia Control Act [510 ILCS 65]

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: July 12, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect horse owners and horse auction markets.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture

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P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Illinois Pseudorabies Control Act, 8 Ill. Adm. Code 115

1) Rulemaking:

A) Description: Definitions will be proposed in Section 115.10 for official random-sample tests that are used in conjunction with herd qualification.

Sections 115.40 and 115.50 will be revised to reflect the requirements under the State-Federal-Industry Program Standards for Pseudorabies Eradication for establishing and maintaining qualified pseudorabies negative and qualified-negative gene-altered vaccinated herds. The testing requirements differed slightly from the state requirements. Guidelines for off-site facilities are also being proposed for both herd plans.

Section 115.60 is being repealed as no one has ever qualified under this plan in the state, and with Illinois achieving Stage III pseudorabies status, monitoring of feeder swine herds is no longer necessary.

Section 115.80 will be amended to adopt the current edition of the Program Standards, and Section 115.100 will be amended to adopt the current edition of the Code of Federal Regulations.

B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90].

C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: July 12, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect swine owners who

## DEPARTMENT OF AGRICULTURE

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maintain qualified pseudorabies herds.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Livestock Dealer Licensing, 68 Ill. Adm. Code 610

1) Rulemaking:

- A) Description: Language is being added to prohibit the diversion en route of slaughter animals and to assure that all required paperwork accompany the animals.

- B) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645]

- C) Schedule meeting/hearing date: Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet August 21, 1996, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: July 12, 1996.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect those dealing in slaughter livestock.

F) Agency contact person for information:

Dr. Richard Hull  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4944 or FAX: (217) 524-7702

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF AGRICULTURE

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- i) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

1) Rulemaking:

- A) Description: New regulations will be developed regarding advertising in State Fair publications (Section 210/6 of the Act). Amendments to "Facility Availability" (Section 270.420) will need to be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning "Application for Space".

- B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14].

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to September 1, 1996.

- D) Date Agency anticipates First Notice: September, 1996.

- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.

- F) Agency contact person for information:

Jim Reynolds  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9427  
(217) 782-3629 or FAX: (217) 785-4059

- G) Related rulemakings and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Fairs Operating Under the Agricultural Premium Fund, 8 Ill. Adm. Code 260

1) Rulemaking:

- A) Description: Administrative rules pertaining to county fairs will be amended in accordance with recent statutory changes.

## DEPARTMENT OF AGRICULTURE

JULY 1996 REGULATORY AGENDA

- B) Statutory Authority: Agricultural Fair Act [30 ILCS 120]
- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: July, 1996
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect county fairs.
- F) Agency contact person for information:  
 Jim Reynolds  
 Illinois Department of Agriculture  
 P. O. Box 19281  
 Springfield, IL 62794-9281  
 (217) 782-3629 or FAX: (217) 785-4059

G) Related rulemakings and other pertinent information: None

- k) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act, 8 Ill. Adm. Code 125

1) Rulemaking:

A) Description: Amendments to 8 Ill. Adm. Code 125 will include: deleting references to the Illinois Revised Statutes, adding Illinois Compiled Statutes references, and updating citations to incorporations by reference.

B) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: August, 1996

E) Effect on small businesses, small municipalities or not for profit corporations: Processors and slaughterers of meat and poultry.

F) Agency contact person for information:

Debbie Wakefield

## DEPARTMENT OF AGRICULTURE

JULY 1996 REGULATORY AGENDA

Illinois Department of Agriculture  
 State Fairgrounds  
 Springfield, IL 62794-9281  
 (217) 785-5713 or FAX: (217) 785-4505

G) Related rulemakings and other pertinent information: None

- l) Part(s) (Heading and Code Citation): Motor Fuel Standards Act, 8 Ill. Adm. Code 850

1) Rulemaking:

A) Description: Recognize volatility and distillation standards apply only to base gasoline, not to the finished ethanol blend. Modify rules to delete procedures for charging consumers when motor fuel samples are analyzed to be consistent with changes made to the Act.

B) Statutory Authority: Motor Fuel Standards Act [815 ILCS 370]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: September, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect gasoline stations and the petroleum marketing chain.

F) Agency contact person for information:

Sid Colbrook  
 Illinois Department of Agriculture  
 P. O. Box 19281  
 Springfield, IL 62794-9281  
 (217) 782-3817 or FAX: (217) 524-7801

G) Related rulemakings and other pertinent information: None

- m) Part(s) (Heading and Code Citation): Egg and Egg Products Act, 8 Ill. Adm. Code 65

1) Rulemaking:

A) Description: Amendments will be made to the rules concerning egg



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holding temperatures at the retail level so that the rules more closely reflect the intent of the statute.

B) Statutory Authority: Section 13 of the Illinois Egg and Egg Products Act (410 ILCS 615/13)

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: July, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking should have no adverse effect on egg licensees.

F) Agency contact person for information:

Sid Colbrook  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-3817 or (217) 524-7801

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Standardbred and Thoroughbred Horse Breeding and Racing Programs, 8 Ill. Adm. Code 290

1) Rulemaking:

A) Description: The Department anticipates amending these rules to clean up and clarify existing rules and to propose amendments necessary to comply with the statutory changes to the Horse Racing Act of 1975. In Subpart A, amendments will be made regarding definitions concerning Illinois residency requirements for thoroughbred stallion ownership, and an allowance will be proposed for Department's authorized agent to receive payments.

In Subpart B, amendments will be made to outline procedures and requirements which will allow for fresh semen transportation within the state. Procedures for reporting change in standing location or ownership of Illinois stallions will be proposed. In Section 290.85, the reference to mare status reports will be deleted. In Section 290.110, the definition of aged division to 4 years and older will be amended.

## DEPARTMENT OF AGRICULTURE

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In Subpart C, Thoroughbred Division, Illinois residency requirement for stallion ownership will be deleted along with bill of sale requirement for new applications. Language will be added relative to reporting standing location and ownership changes of Illinois stallions. With regard to broodmare eligibility, requirements will be added for newly created breed-back program and exemption of December 1 arrival date for Illinois residents' purchases prior to February 1 of foaling year. Delete mare status report requirement for Illinois conceived and foaled eligibles and amend report due dates. With regard to foal registration requirements: add one-time allowance for racing papers which have not been certified by the Department. With regard to County Fair racing, amend number of entry requirements and add violation if electrical, mechanical device and prohibited medications.

B) Statutory Authority: Section 30 and 31 of the Illinois Horse Racing Act of 1975 (230 ILCS 5/30 and 31)

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

D) Date Agency anticipates First Notice: October, 1996.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect horse breeding farms.

F) Agency contact person for information:

Jim Reynolds  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281  
(217) 782-4231 or FAX: (217) 785-4059

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Land Application Authorization Program, (code citation to be assigned)

1) Rulemaking:

A) Description: Rules will be proposed governing the application for Department issuance of written authorization to the owner or operator of an agricultural facility for land application of agricultural contaminated soils and groundwater at agronomic rates.

## DEPARTMENT OF AGRICULTURE

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- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]
- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to December 1, 1996. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.
- D) Date Agency anticipates First Notice: January, 1997
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.
- F) Agency contact person for information:  
Warren Goetsch  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281.  
217/785-8218 FAX: 217/524-4882
- G) Related rulemakings and other pertinent information: Agrichemical Facility Response Action Program.
- H) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program, (code citation to be assigned)

1) Rulemaking:

- A) Description: This rulemaking will establish procedures governing the operation of the Agrichemical Facility Response Action Program including the coordination of Department and board functions as they relate to the application evaluation and oversight of agrichemical facility cleanups conducted under the program.

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

- C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to December 1, 1996. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois*

## DEPARTMENT OF AGRICULTURE

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- Register. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.
- D) Date Agency anticipates First Notice: January, 1997
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect agrichemical facilities; it will facilitate the economic remediation of retail agrichemical facilities.
- F) Agency contact person for information:  
Warren Goetsch  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield, IL 62794-9281.  
217/785-8218 FAX: 217/524-4882
- G) Related rulemakings and other pertinent information: Land Application Authorization Program.
- H) Part(s) (Heading and Code Citation): Illinois Pesticide Act, 8 Ill. Adm. Code 250
- I) Rulemaking:
- A) Description: Rules will be proposed to create a new technical category for application of Metam Sodium in sewer lines.
- B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]
- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*. A public hearing on the proposed rulemaking will be held the last week of the 45-day comment period to receive comments.
- D) Date Agency anticipates First Notice: August, 1996
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking may affect small municipalities; a license will be required to apply Metam Sodium to sewers.
- F) Agency contact person for information:  
Warren Goetsch

## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

Illinois Department of Agriculture

P.O. Box 19281

Springfield, IL 62794-9281.

217/785-8218 FAX: 217/524-4882

- G) Related rulemakings and other pertinent information: None

- r) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from needless state agency farmland conversion impacts.

- B) Statutory Authority: Farmland Preservation Act [505 ILCS 75]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

- D) Date Agency anticipates First Notice: July, 1996

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impacts are anticipated.

- F) Agency contact person for information:

Steven D. Chard

Illinois Department of Agriculture

Bureau of Farmland Protection

P. O. Box 19281,

Springfield, IL 62794-9281

217/782-6237 FAX: 217/524-4882

- G) Related rulemakings and other pertinent information: None

- s) Part(s) (Heading and Code Citation): Livestock Management Facilities Act (code citation to be assigned)

## DEPARTMENT OF AGRICULTURE

## JULY 1996 REGULATORY AGENDA

1) Rulemaking:

A) Description: Pursuant to P.A. 89-456, rules will be developed by the Illinois Department of Agriculture based on recommendations of an interagency advisory committee.

B) Statutory Authority: Livestock Management Facilities Act, P.A. 89-456, effective May 21, 1996.

C) Schedule meeting/hearing date: The Illinois Department of Agriculture will propose rules to the Pollution Control Board based upon recommendations of an advisory committee. The Pollution Control Board will hold hearings and adopt the rules that will be administered by the Illinois Department of Agriculture.

D) Date Agency anticipates First Notice: To be determined by the Pollution Control Board.

E) Effect on small businesses, small municipalities or not for profit corporations: Livestock producers of all sizes who newly construct or modify waste lagoons must submit plans for registration and certification. Financial responsibility for possible abandoned site clean-up must be established. Livestock waste management plans must be developed for the proper handling and disposal of wastes. Producers must become certified in waste handling and livestock management by attending a training session and/or passing an exam. Fees may be charged. Many regulations are based on the size of the operation.

- F) Agency contact person for information:

Chet Boruff or Scott Frank

Illinois Department of Agriculture

P.O. Box 19281

Springfield, IL 62794-9281.

217/782-4944 FAX: 217/524-7702

- G) Related rulemakings and other pertinent information: None

- t) Part(s) (Heading and Code Citation): Civil Administrative Code, 8 Ill. Adm. Code 3

1) Rulemaking:

A) Description: Rules will be updated and amended to eliminate references to grain, grain claimants and procedures involving



## DEPARTMENT OF AGRICULTURE

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hearings for grain claimants as this information is covered in the Grain Code.

- B) Statutory Authority: Section 40.23 of the Civil Administrative Code of Illinois
- C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: July, 1996
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking should have no adverse impact on small businesses.
- F) Agency contact person for information:  
 Judy Lozier  
 Illinois Department of Agriculture  
 P.O. Box 19281  
 Springfield, IL 62794-9281.  
 217/524-5125 FAX: 217/785-4505
- G) Related rulemakings and other pertinent information: None

## EXECUTIVE ORDER

96-4

AN EXECUTIVE ORDER NAMING THE DEPARTMENT OF TRANSPORTATION'S  
 ADMINISTRATIVE OFFICE BUILDING

Whereas, the central administrative office building used by the Department of Transportation in the City of Springfield is not named; and Whereas, it is highly desirable that public buildings bear a name conveying a sense of high regard and esteem within and outside government; and Whereas, Harry R. Hanley was a career employee of the Department, who began his career as a junior highway engineer in 1941 and concluded as the Secretary of Transportation in 1986; and Whereas, Harry R. Hanley during the time of his employment with the Department served the public with distinction in a number of significant positions, including:

Deputy Director and Acting Director of the predecessor to the Office of Planning and Programming from 1972 until 1973;  
 Director of the Division of Highways from 1973 until 1977;  
 Deputy Secretary from 1977 until 1985; and  
 Secretary of Transportation from 1985 through 1986; and,

Whereas, after his retirement from state service, Harry R. Hanley served as a legislative consultant for the Associated General Contractors of Illinois and later as President of Baker Engineering until his death in 1992; and

Whereas, Harry R. Hanley's public and private service during his life earned him high regard and great respect for his engineering judgment and talent; and

Whereas, Harry R. Hanley, for his years of faithful service, is deserving of high honor and remembrance;

Now Therefore, I, Jim Edgar, Governor of the State of Illinois, finding it fitting and proper to do so, do order the Department of Transportation Administrative Office Building in the City of Springfield to be named the "Harry R. Hanley Transportation Building" in honor and memory of this faithful public servant.

This Executive Order Number 4 (1996) shall be effective upon filing with the Secretary of State.

Issued by the Governor June 14, 1996.

Filed by the Secretary of State June 14, 1996.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 11, 1996 through June 17, 1996 and have been scheduled for review by the Committee at its June 25, 1996 or July 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/25/96	Illinois Educational Facilities Authority, Functions and Planning Program (23 Ill Adm Code 2310)	4/12/96 20 Ill Reg 5415	6/25/96
7/26/96	Secretary of State, Dealers, Wreckers, Transporters and Rebuilders (92 Ill Adm Code 1020)	4/12/96 20 Ill Reg 5488	7/23/96
7/26/96	Department of Insurance, Valuation of Life Insurance Policies (Including the Introduction and Use of New Select Mortality Factors) (50 Ill Adm Code 1409)	3/1/96 20 Ill Reg 3695	7/23/96
7/26/96	Department of Insurance, Health Maintenance Organization (50 Ill Adm Code 6101)	7/28/95 19 Ill Reg 10937	7/23/96
7/26/96	Department of Natural Resources, White-Tailed Deer Hunting Season by Use of Handguns (17 Ill Adm Code 680)	4/26/96 20 Ill Reg 5963	7/23/96
7/26/96	Department of Natural Resources, Squirrel Hunting (17 Ill Adm Code 690)	4/26/96 20 Ill Reg 5956	7/23/96
7/26/96	Department of Natural Resources, Dove Hunting (17 Ill Adm Code 730)	4/26/96 20 Ill Reg 5936	7/23/96
7/26/96	Department of Natural Resources, Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill Adm Code 740)	4/26/96 20 Ill Reg 5927	7/23/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

7/31/96	Environmental Protection Agency, Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (35 Ill Adm Code 366)	1/5/96 20 Ill Reg 81	7/23/96
7/31/96	Illinois Racing Board, Hi/Low (11 Ill Adm Code 313)	4/26/96 20 Ill Reg 6000	7/23/96

## PROCLAMATIONS

96-274  
DISASTER AREA - CITY OF CHICAGO

The civil disturbances that may occur as a result of a winning sports team have prompted me to take precautionary actions in order to avert any serious disruptions or disorderly conduct.

In the interest of aiding the City of Chicago and those citizens who may be affected by the adverse actions of a few and in order to minimize the threat to public health, safety and welfare of our citizens, I hereby declare the City of Chicago to be a State of Illinois Disaster Area, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will allow the Illinois Emergency Management Agency to pay the expenses associated with the activation of the Illinois National Guard to assist the City of Chicago in the event of any major eruptions of exuberant behavior.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 11, 1996.

96-275

DISASTER AREA - CLINTON COUNTY

Severe thunderstorms and torrential rainfall occurring on June 10, 1996, were part of a severe weather system that moved through the southwestern part of the State of Illinois, inflicting heavy damage in Clinton County, specifically the Village of Germantown. The severe weather system delivered up to 5" of rainfall in a 2 hour period causing flooding and flash flooding, which resulted in extensive damage to local roads, homes, businesses, farms, and other property.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Clinton County as disaster areas, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the state effort to assist local governments in disaster response and recovery operations, and to assist volunteer resources in providing reasonable and necessary emergency measures for disaster response in any part of the State. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor June 11, 1996.

Filed by the Secretary of State June 11, 1996.

96-276

327th MILITARY POLICE BATTALION MONTH

Whereas, the 327th Military Police Battalion has long served our country and its people, maintaining the basic freedoms we enjoy; and

Whereas, the lineage of the Battalion dates back to December 26, 1942,

when it was activated as the 803rd Military Police Battalion at Camp Swift, Texas; and

Whereas, the unit participated in the Naples-Foggia and Rome-Arno campaigns during World War II and was awarded the Meritorious Unit Streamer; and

Whereas, on June 30, 1946, the Battalion was redesignated the 327th Military Police Battalion and reverted to the Organized Reserve Corps in July 11, 1947, and subsequently stationed at Navy Pier, Chicago; and

Whereas, the 822nd MP Company of the Battalion was also activated and served honorably during Operation Desert Storm; and

Whereas, this year marks the 50th anniversary of the 327th Battalion; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as 327TH MILITARY POLICE BATTALION MONTH in Illinois in honor of their 50th anniversary and commend them on their hard work and dedication to the citizens of our state and country.

Issued by the Governor June 6, 1996.

Filed by the Secretary of State June 14, 1996.

96-277

HELP HOSPITALIZED CHILDREN'S FUND MONTH

Whereas, the Help Hospitalized Children's Fund was formed with the goal of improving the emotional and physical well-being of hospitalized children; and

Whereas, the Help Hospitalized Children's Fund provides children with toys, books and games during their stay in community, general and local hospitals throughout the United States; and

Whereas, the Help Hospitalized Children's Fund provides therapeutic equipment to children who need devices such as wheelchairs, breathing apparatus and "cool suits;" and

Whereas, the Help Hospital Children's Fund is completely independent of any other group and does not receive funds or continuous support from any central source; and

Whereas, the Help Hospitalized Children's Fund is a volunteer based organization whose members and supporters are committed to providing services to hospitalized children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as HELP HOSPITALIZED CHILDREN'S FUND MONTH in Illinois.

Issued by the Governor June 6, 1996.

Filed by the Secretary of State June 14, 1996.

96-278

DAN BROWN DAY

Whereas, during his long and distinguished lifetime, Dan Brown of Monmouth, Illinois, has served his nation during time of war, has served his state as primary author of the Illinois Election Code, and has served his community as the County Clerk of Warren County for 28 years; and

Whereas, Dan Brown has now completed 50 years of service to the youth of Illinois as a member of the staff and governing board of the American Legion Premier Illinois Boys State of Illinois; and

Whereas, during his presidency of its Board of Directors, Illinois Boys



State enhanced its educational program and reaffirmed its position as not only the first Boys State in America but also the best; and

Whereas, in gratitude for his loyal service to the Boys State movement, he has today been designated President Emeritus of the American Legion Premier Boys State of Illinois,

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 12, 1996, as DAN BROWN DAY in recognition of a lifetime of service to the people and to the youth of Illinois.

Issued by the Governor June 7, 1996.

Filed by the Secretary of State June 14, 1996.

96-279

#### FAMILYCARE OF ILLINOIS MONTH

Whereas, FamilyCare of Illinois is a non-profit organization that was founded in 1958; and

Whereas, FamilyCare is concerned about the welfare of homeless women and children; and

Whereas, FamilyCare provides counseling for children and parents; and

Whereas, FamilyCare assists the elderly so that they can lead active lives and remain in their homes; and

Whereas, FamilyCare had its fourth annual "FamilyCare of Illinois" event on June 2, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

1996 as FAMILYCARE OF ILLINOIS MONTH in Illinois.

Issued by the Governor June 7, 1996.

Filed by the Secretary of State June 14, 1996.

96-280

#### LITTLE PEOPLE'S GOLF CHAMPIONSHIPS DAYS

Whereas, this year marks the 22nd anniversary of the Little People's Golf Championships in Quincy; and

Whereas, since its first event in 1974, the Little People's Golf Championships Association has hosted more than 7,000 young people, each of whom has had an impact on the event; and

Whereas, the event has grown from 174 participants in 1974 to nearly 600 in 1995 and continues to expand; and

Whereas, the promotion of juniors and junior golf in the area has been the primary goal of the tournament since its beginning; and

Whereas, the Tri-State Junior Golf Association, an organization which directs and operates educational clinics and golf events for young people, was later established; and

Whereas, volunteers, parents, families and contestants make the event and the Association a success;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 17-19, 1996, as LITTLE PEOPLE'S GOLF CHAMPIONSHIPS DAYS in Illinois.

Issued by the Governor June 7, 1996.

Filed by the Secretary of State June 14, 1996.

96-281

#### TECHNICAL SERGEANT AND MRS. STEPHEN L. CARR DAY

Whereas, Technical Sergeant Stephen L. Carr and his wife Nisla Carr are residents of Scott Air Force Base, Illinois; and

Whereas, Stephen L. Carr was recognized as a "pro-active technical expert who can be counted on to make special projects happen" and consequently was selected 1989 Airman of the Quarter and 1990 NCO of the quarter at Grand Forks AFB, North Dakota; and

Whereas, Stephen L. Carr established the Strategic Air Command's first operational 24-hour Commander's Access Television (CAV) Station, and personally aided the search effort for two children lost during a "white out" blizzard by broadcasting emergency requests for help on CAV; and

Whereas, Stephen L. Carr currently manages three conference rooms and three audiovisual technicians while choreographing presentations at Headquarters Air Mobility Command, providing flawless support for 127 conferences, 55 Distinguished Visitor tours and visits, and 1,525 briefings to more than 6,320 attendees; and

Whereas, Stephen L. Carr was hand-picked as the sole Headquarters Air Mobility Command NCO exhibitor at the Airlift Tanker Association (ATA) Symposium, representing both AMC and TRANSCOM to Senior Interservice Military and civilian leaders; and

Whereas, Stephen L. Carr was personally recommended by the Chief of Staff of the Air Force as the sole "project officer" for developing a multi-media presentation system for use at Malmstrom AFB; and

Whereas, Stephen L. Carr has performed superbly in his assignment at Scott AFB, Illinois, from December 20, 1993, to June 28, 1996; and

Whereas, Technical Sergeant Stephen L. Carr and Mrs. Nisla Carr are being reassigned to Hickman AFB, Hawaii;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

7, 1996, as TECHNICAL SERGEANT AND MRS. STEPHEN L. CARR DAY in Illinois.

Issued by the Governor June 7, 1996.

96-282

#### UNITED CEREBRAL PALSY DAY

Whereas, United Cerebral Palsy of Illinois was founded in June of 1951 and will celebrate its 45th year of advocating for Illinois citizens with cerebral palsy and other disabilities; and

Whereas, United Cerebral Palsy of Illinois and its eight local affiliates -- UCP of Blackhawk, UCP of Central Illinois, UCP of East Central Illinois, UCP of Greater Chicago, UCP of Land of Lincoln, UCP of Mississippi Valley, UCP of Southern Illinois and UCP of Will County -- have been providing direct and indirect services for tens of thousands of persons with disabilities and their families over these 45 years; and

Whereas, persons with disabilities, parents and other volunteers have donated thousands of hours of their time, expertise and commitment to the UCP cause, serving on the UCPI and affiliate boards of directors, committees, fundraising projects and training programs; and

Whereas, UCPI has been under the able administrative and professional leadership of Don Moss and his staff for the past seven years; and

Whereas, UCPI has promoted the rights of all citizens with disabilities and has given them the opportunity to reach their maximum potential of independent living;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1996, as UNITED CEREBRAL PALSY DAY in Illinois.

Issued by the Governor June 7, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-283

## MENS'S HEALTH WEEK

Whereas, the goal of National Men's Health Week is to raise national awareness among society, and especially among men, of the importance of preventive health behavior in the early detection and treatment of health problems affecting men and their families; and

Whereas, despite the advances in medical technology and research, men continue to live an average of seven years less than women; and

Whereas, women visit the doctor three times more often than men, enabling them to detect health problems in their early stages; and

Whereas, significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive; and

Whereas, educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality from these diseases; and

Whereas, appropriate use of tests, such as Prostate Specific Antigen (PSA) exams, blood pressure screens, cholesterol screens, etc., in conjunction with clinical examination and self-testing for problems such as testicular cancer, provides detection in the early stages and increases the survival rate to nearly 100 percent; and

Whereas, many men are reluctant to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of information, and cost factors; and

Whereas, men who are educated about the value that preventive health can play in prolonging their lifespan and their role as a productive family member will be more likely to participate in health screening;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 10-16, 1996, as MEN'S HEALTH WEEK in Illinois.

Issued by the Governor June 10, 1996.

Filed by the Secretary of State June 14, 1996.

## 96-284

## PUERTO RICAN WEEK

Whereas, the Puerto Rican community, a strong and important force in the State of Illinois, is a community that enriches Illinois culturally and economically; and

Whereas, the Puerto Rican community has honored its heritage for the last 31 years with patriotic festivals and continues the tradition with the Puerto Rican Parade in Chicago; and

Whereas, the Puerto Rican Parade Committee of Chicago and its president, Elias Diaz y Perez, have organized this year's festivities with great dedication; and

Whereas, this week's patriotic festival promotes community and cultural

unity in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 11-16, 1996, as PUERTO RICAN WEEK in Illinois in recognition of the contributions the Puerto Rican community has made to the vitality and growth of our state.

Issued by the Governor June 10, 1996.

Filed by the Secretary of State June 14, 1996.

Rules acted upon during the quarter of April 1 through June 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

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